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We Are Changing What It Means To Be Blind

Web Site: www.nfbmn.org

Accessible Electronic Information Service for Blind and Disabled Persons

SF 1064

Metzen; Anderson; Scheid; Kleis; Belanger

HF 1214

Knoblach; Rukavina; Jaros; Wilkin; Gunther

What is it?

An Accessible Electronic Information Service makes it possible for blind individuals to gain access to the information in newspapers at the same time as their sighted colleagues, friends, and family members. Blind professionals, for example, can converse on relevant topics, no longer being under-informed about information critical to their professions or left out at social functions when the latest editorial is discussed. Beyond this, a wealth of other information primarily found in newspapers is also available to the blind on an equal footing, making possible their participation in the life of the community on the basis of equality.

The Internet provides sighted individuals access to thousands of newspapers and magazines with just a quick search. However, newspaper and magazine Web sites often contain only partial contents or require hefty subscription fees. In addition, a blind person needs expensive, special software and training to use a Web browser, and many cannot afford it.

This Accessible Electronic Information Service is the only system that brings the blind so much to choose from at the time when the subscriber wishes to read.

Material is read aloud by clear, computer-generated speech over a standard touch-tone telephone. No special equipment is needed. The service is available wherever a telephone is available, even on-the-go with a cellular telephone.

How does it work?

The State Services for the Blind division of the Department of Employment and Economic Development currently provides the components of an Accessible Electronic Information Service. The service is limited to people who are eligible for services under the Books for the Blind and Physically Handicapped program administered by the Library of Congress and the Minnesota Library for the Blind and Physically Handicapped (i.e., people who are blind, unable to use standard printed materials as a result of physical limitations, or reading-disabled). The current offerings are:

NFB-NEWSLINE[®], developed and operated by the National Federation of the Blind (NFB, a nonprofit corporation), provides today's, yesterday's, and last Sunday's editions of over 150 newspapers. This assortment includes nationally-prominent newspapers such as *USA Today*, *The*

(over)

(Voice of the Nation's Blind

New York Times, the *Washington Post*, the *Los Angeles Times*, *The Christian Science Monitor*, and the *Wall Street Journal*. Minnesota newspapers are the *Duluth News Tribune* and the *St. Paul Pioneer Press*. Work is underway to include the *Star Tribune*. NFB-NEWSLINE® also provides magazines such as *The New Yorker*, *The Economist*, and *AARP*. A “local channel” is provided for special information and announcements provided by other organizations such as the National Federation of the Blind of Minnesota, the American Council of the Blind of Minnesota, and State Services for the Blind. NFB-NEWSLINE® is free-of-charge to readers and has toll-free access statewide. There currently are 650 registered readers for this service.

Dial-in News, developed and operated by State Services for the Blind, provides the *Star Tribune*, the *St. Paul Pioneer Press*, and *City Pages*. Dial-in News also provides detailed daily television listings and movie-theater listings. Dial-in News charges an \$18/quarter subscription fee and has toll-free access only within the Metro free-calling area. Statewide access outside the Metro area requires a long-distance call. There currently are 88 registered readers for this service.

What's the cost?

The two services provided by State Services for the Blind have these costs:

Cost	NFB-NEWSLINE®	Dial-in News	Total
Contract	\$40,000	\$0	\$40,000
Download newspapers	0	11,100	11,100
Telephone lines	0	1,934	1,934
Staff salary and benefits	4,906	4,860	9,766
General overhead	491	1,789	2,280
Total	\$45,397	\$19,683	\$65,080

The annual cost per reader is less than \$100 — **less than half the cost of a subscription to just the *Star Tribune*.**

What's the problem?

The NFB-NEWSLINE® contract is currently funded by a grant from the Minnesota Department of Education under the provisions of the Library Services and Technology Act. **However, that grant runs out on April 15.** Services for the Blind does not have sufficient funds to continue the contract funding. Therefore, a permanent funding source must be found if blind and disabled people are to continue to have NFB-NEWSLINE® available in Minnesota.

What's the suggested solution?

This bill establishes permanent funding for this invaluable service by amending Chapters 237 and 248 to provide funding from the Telecommunications Access Minnesota (TAM) fund. The total cost of about \$65,000 annually seems an inconsequential amount for such a service to people who cannot read print, and would not take anything away from the \$8.6 million TAM access programs for the deaf.

For further information, contact Joyce Scanlan by phone at 612-920-0959 or e-mail at joyce.scanlan@earthlink.net.

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
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JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1064 - Accessible Electronic Information Service

Author: Senator James P. Metzen

Prepared by: Matthew S. Grosser, Senate Research (651/296-1890) *MB*

Date: March 1, 2005

The bill defines Accessible Electronic Information Service as news and other timely information provided to blind and disabled persons, and assigns to the Commissioner of Employment and Economic Development the duty of entering into an agreement to provide such services, allocating money from the Telecommunications Access Minnesota Fund for such services.

MG:cs

**Senate Counsel, Research,
and Fiscal Analysis**

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Senate

State of Minnesota

S.F. No. 1068 - Long-Distance Service Cancellation

Author: Senator D. Scott Dibble

Prepared by: Matthew S. Grosser, Senate Research (651/296-1890) *MG*

Date: March 1, 2005

The bill prohibits a telecommunications carrier from charging for long-distance service after a customer has cancelled that service or beyond the end of a fixed-term contract for such service. The bill also prohibits a telecommunications carrier from requiring a customer to contact their local telephone service provider in order to cancel their long-distance service.

MG:cs

Re: 1068



Wauneta Browne
Assistant Vice President
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March 3, 2005

Senator D. Scott Dibble
75 Rev. Dr. Martin Luther King Jr. Blvd.
Room 111
St. Paul, MN 55155-1606

RE: SF1068 - Long distance service charge prohibition after service cancellation

Dear Senator Dibble:

The following comments are submitted on behalf of AT&T Communications of the Midwest, Inc. ("AT&T") in regards to SF1068 dealing with long distance service charges after service cancellation.

AT&T agrees that a long distance carrier should cease to bill a customer once it receives a request from that customer to cancel service, however the long distance carrier should be given sufficient time to process such a disconnection request and be allowed to bill for usage while the disconnect order is pending. In addition, if a customer has a fixed term contract with the company, the customer should be liable for the term of the contract, but once the term of the contract has expired, a company should no longer bill for service if the customer has notified the company that it no longer wishes to receive services from the company.

AT&T's primary concern with SF1068 lies with the provision that a long distance provider may not require a customer to contact the customer's local telephone service provider in order for the customer to cancel long distance service with the carrier. The telecommunications network is structured such that the local service provider switch determines what carrier will provide long distance service to a customer. Since it was determined that a customer should have a choice of long distance providers, the process for a customer to choose its long distance provider has been for the customer to contact the local service provider and/or its long distance provider of choice to establish service. However, when a customer desires to change their long distance service from one provider to another, the customer may change service in one of three methods. Those methods are:

1. The customer contacts their local service provider, requests a change of their long distance provider and then selects a new long distance provider. The local service provider then sends a message to the old long distance provider and the new long distance provider of choice and billing is modified by each of the long distance providers;
2. The customer contacts their desired **new** long distance service provider and requests service. The new long distance provider sends a message to the local service provider to make the appropriate changes in the local switch. The local service provider executes the change request and then notifies both the new and old long distance service providers of the transaction. The new and old long distance providers modify their billing systems accordingly; or
3. The customer contacts their **old** long distance service provider and requests to cancel their long distance service. The old long distance service provider informs the customer that they will need to contact their local service provider to ensure uninterrupted service and to select a new long distance provider. The customer then contacts their local service provider as listed in 1. above.

SF1068, as written, would not allow method three to continue to exist. If a customer only calls its long distance provider and not its local service provider, in Minnesota today, there is no industry process whereby the long distance company may send a notice to the local service provider to discontinue the long distance service of that customer.

Even if the local exchange service providers in Minnesota changed their systems to support such a process, there are several unanswered questions and concerns. If the local service provider receives a long distance disconnect notification from the long distance provider, then the local service provider would only be able to change the customer choice of long distance provider to "NONE" (no carrier) until such time as the customer calls the local service provider to select a new long distance provider. The local service provider cannot select a long distance carrier choice for the customer without having discussions with the authorized customer for the telephone number. Once the local service provider changes the customer's choice of long distance provider to NONE, the customer will no longer be able to dial a 1+ long distance call because they will not have chosen a long distance carrier to handle those types of calls. This will force all 1+ long distance calls to be intercepted, with the customer being told that this type of call can not be completed. The only type of long distance call that could be made by a customer once they are placed in the NONE category for long distance is by using the 1010XXX protocol. Many customers are unaware of this dialing pattern and most long distance companies charge a premium for using this dialing protocol.

Along with the customer confusion on dialing patterns for long distance and the dissatisfaction of not being able to make any long distance calls once a customer goes into the NONE category for long distance, is the added expense to the local and long distance service providers. This type of policy has the potential to increase calls into the

customer service centers and/or repair centers for both the local and long distance providers. When a customer can not complete a 1+ long distance call they will be confused and angry. This policy will require the customer to make additional calls to either a long distance provider and/or their local service provider once they realize they no longer have the option of making long distance calls.

This type of policy also raises the question as to:

1. will customers think they have been "slammed" when they can no longer make long distance calls;
2. how will customers determine that they can "dial around" by using the 1010XXX dialing protocol; and
3. who is responsible for educating the customer on how and what they must do to be able to dial 1+ again for long distance or to dial long distance by using the 1010XXX dial protocol.

These questions do not have easy answers. The industry has struggled to ensure that customers have choice when it comes to telecommunications, with the least amount of confusion and disruption to the end user customer. The telecommunications networks were established in such a fashion that in order to accommodate customer choice, customers are required to make multiple calls if they choose more than one provider for local and long distance service. To require that a long distance company can no longer require a customer to contact their local service provider when they want to discontinue long distance service with one provider will only cause customer confusion and disruption.

In addition, the Federal Communications Commission ("FCC") has been working with the industry to find solutions to these issues. The FCC just released its Report and Order in CC Docket No. 02-386 on February 25, 2005 dealing with the issues contained in SF1068. AT&T recommends that SF1068 not be adopted and that the FCC order be allowed to be implemented.

If you have questions or would like to discuss this further, please feel free to give me a call.

Sincerely,



Wauneta Browne

SF 1068
3/4/05



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

For Immediate Release:
February 10, 2005

News Media Contact:
Rosemary Kimball at (202) 418-0511
e-mail: rosemary.kimball@fcc.gov

COMMISSION ADOPTS RULES TO HELP ENSURE ACCURACY OF PHONE BILLS AND REDUCE SLAMMING PROBLEMS

Washington, DC – The Commission has adopted new rules that will help ensure that consumers' phone service bills are accurate and that their carrier selection requests are honored and executed without undue delay. The rules specify a number of situations in which carriers must share customer information with each other.

This proceeding began with a Notice of Proposed Rulemaking released on March 25, 2004. It asked parties to address the magnitude of the billing problems ascribed to carriers' failure to exchange customer account information among themselves in a complete and/or timely manner and whether the adoption of mandatory, minimum standards could significantly reduce the percentage of consumer complaints concerning billing errors.

Upon a review of the record, the Commission concluded that mandatory, minimum standards are needed to facilitate the exchange of customer account information between local exchange carriers (LECs) and interexchange carriers (IXCs). The Commission pointed to evidence demonstrating that information needed by carriers to execute customer requests in a timely and efficient manner and to properly bill customers was not being consistently provided by all LECs and by all IXCs.

Comments by a group of telephone companies reported, for example, that nearly 60 percent of approximately 3,065 wireline local service providers do not participate in *any* exchange of customer account information. As a result, on average, approximately 163.7 million calls per month (nearly two billion calls per year) are placed on their long distance networks by subscribers for whom the long distance provider has received no customer billing name and address information. The Commission noted that complaints to its own Consumer Centers also indicated continuing problems caused by lack of information sharing among companies.

Under the new rules, a LEC will be required to supply customer account information to an IXC when: (1) the LEC has placed an end user on the IXC's network; (2) the LEC has removed an end user from the IXC's network; (3) an end user that is presubscribed to the IXC makes certain changes to her account information via her LEC; (4) the IXC has requested billing, name and address (BNA) information for an end

user who has usage on the IXC's network but for whom the IXC does not have an existing account; and (5) the LEC rejects an IXC-initiated order to change a customer's presubscribed interexchange carrier (PIC). In addition, an IXC will be required to supply customer account information to a LEC when an end user contacts the IXC directly either to select or to remove the IXC as his PIC. The Commission also required carriers to provide the required notifications promptly and without unreasonable delay.

While the Commission specified what type of information must be shared, it did not specify the method carriers should use, allowing them to share customer account information pursuant to state-mandated data exchange requirements, privately negotiated agreements with other carriers, or voluntarily-established business rules, including the voluntary, industry-developed standards known as the Customer Account Record Exchange (CARE) process. This approach should minimize the potential costs or burdens associated with implementing the information sharing requirements, particularly for small and rural carriers.

The new rules recognize a carrier's right to be compensated for the services it provides by ensuring that providers of long distance phone services receive proper notification when customers are placed on their networks.

The information sharing standards adopted today apply in situations involving an IXC and a LEC (or LECs). The Commission also issued a Further Notice of Proposed Rulemaking (FNPRM) seeking comment on whether they should be extended to situations in which consumers change LECs. The FNPRM specifically asked whether the Commission should require all local service providers to participate in the exchange of customer account information and if so, what information local service providers should be required to supply.

Action by the Commission February 10, 2005, by Report and Order and Further Notice of Proposed Rulemaking (FCC 05-29). Chairman Powell, Commissioners Abernathy, Copps, Martin and Adelstein, with Chairman Powell issuing a separate statement.

- FCC -

CGB contact: Lisa Boehley at (202) 418-7395.
CG Docket 02-386.

SF640
3/4/05



Gary D. Forsee
Chairman and Chief Executive Officer

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September 20, 2004

The Honorable John McCain
Chairman
Senate Committee on Commerce,
Science and Transportation

The Honorable Joe Barton
Chairman
House of Representatives Committee on Energy and Commerce

The Honorable Fred Upton
Chairman
House of Representatives Subcommittee on Telecommunications and the Internet

Dear Chairmen:

Thank you for your interest in Wireless Directory Assistance (WDA). Provided below are responses to the questions you asked in your letter to me dated September 15, 2004.

As you are aware, there are more wireless telephone users now than any time in history. Many wireless users, both residential users and businesses, wish to make their wireless telephone numbers available to others through directory assistance. Currently, there is no convenient method in place for wireless users to do that. To meet subscriber demand, Sprint is considering offering WDA. Although Sprint's plans in this area are not yet finalized, Sprint commits that the following points will be at the core of any offering.

Question 1. If you offer wireless directory services, will your subscribers be given a choice of whether to have their numbers(s) listed in a directory or not? If so, how would they exercise such choice (i.e. opt-in or opt-out), and would it vary depending on whether it was a new existing subscriber making the choice?

Answer: Wireless numbers will only be made available to WDA if a specific customer directs Sprint to make them available. This opt-in method will apply to both existing subscribers and to new subscribers. Subscribers' telephone numbers will not be made available to WDA, by default. In addition, subscribers will be able to revoke their opt-in consent at any time.

Question 2. Do you plan to charge subscribers to keep their wireless number(s) unlisted?

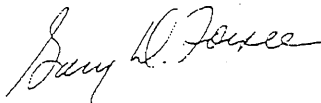
Answer: Sprint does not plan to charge existing or new subscribers for keeping their number out of WDA listing. Also, Sprint has no plans to charge existing or new subscribers to remove their listing from WDA.

Question 3. Are your current terms of service with customers consistent with your responses to questions 1 and 2?

Answer: Subscriber consent will not be obtained through service contracts. Sprint's current subscriber contracts do not specifically address WDA. In all cases, subscribers will have to specifically direct Sprint to make their numbers available to WDA before Sprint will do so. Even if an older version of Sprint's service contract references directory assistance, Sprint will adhere to the commitments listed in response to questions 1 and 2.

Sprint believes that carrier WDA plans are consistent with important privacy objectives and will increase customer choices. Absent an effective opt-in WDA approach as Sprint has outlined above, inter-modal competition will be harmed and customers who only have a wireless phone and want to be reached will be needlessly out of touch. If you have any questions regarding this response or require further information, please contact Bill Barloon at 202-585-1928.

Sincerely,



Gary D. Forsee



Dan Youmans
Regional Director
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March 4, 2005

The Honorable Senator Steve Kelley
Chair, Subcommittee on Telecommunications and Technology
Senate Committee on Jobs, Energy and Community Development
Minnesota State Legislature

RE: Senate File 640, Regulating Wireless Telephone Directories

Dear Senator Kelley and Members of the Subcommittee:

On behalf of Cingular Wireless, I am writing to respectfully oppose Senate File 640, which would place unnecessary regulations on carriers planning to offer wireless telephone directory opportunities to those customers who would benefit from this service. In fact, we are urging all states not to regulate wireless directory assistance so that we won't be faced with a patchwork of state laws that make it impossible for us to offer this valuable service. Also, if we decide to offer this service, Cingular Wireless already plans to address the issues raised by this legislation, again making a state law unnecessary.

Here are the policies Cingular Wireless has established to protect customer privacy when, and if, wireless directory assistance is offered:

- Cingular customers will not be automatically entered into a wireless directory assistance database – customers will have to request to be listed.
- Cingular will not publish directory numbers or provide them to any third party.
- Cingular will not charge its customers to be included or excluded from the service.

As we explore the development of wireless directory assistance, we want to give our customers the choice of making their phone number available to directory assistance callers. For some customers, this service will be extremely valuable. Small business people and others whose livelihoods depend on being reachable will especially benefit from this service. For customers who don't wish to be included in the directory, nothing will change. We will continue to keep their numbers private at no cost to them. The bottom line is that, if state legislation creates too many barriers to offering the service, we will be faced with not making it available to anyone.

Concerning Senate File 640, there are a number of provisions that are troublesome. For example, the requirement in Section 2, Subd. 1 (1) that we provide a separate notification to customers about not being listed in a wireless directory is not necessary. The requirements in Section 2, Subd. 2 for notifying new customers in a separate communication and then providing at least an annual notification thereafter is both unnecessary and overly burdensome. Again, we have established a policy to only include customers in the wireless directory if they request the service. The requirement to annually notify customers would only add cost and bureaucracy to providing the service. Imagine the cost of notifying thousands of customers each year about a service for which they do not have to sign up.

We would request that the Minnesota Legislature at least give us the opportunity to set up our opt-in systems for this nationally offered service before creating a state-specific system. If every state develops its own – and different – standards for customers to sign up for the service, it will be impossible to implement.

The requirements in Subd. 3 on call forwarding are also unnecessary. Again, customers who sign up for the service will want to receive calls generated from wireless directory assistance. Customers do not need to be troubled by an operator every time a call comes in on their wireless phone. In addition, creating the call-forward system described in Senate File 640 will likely be extremely expensive – increasing the cost of wireless directory assistance to the consumer.

We also want to emphasize that if customers decide they no longer want to be included in the directory, they can simply order us to remove their information and calls would no longer be directed to them from the directory going forward.

Subd. 4 deals with publishing the directory, and Subd. 5 concerns fees. We have addressed both these issues in our policies. We will not publish the directory and we will not charge to be included or excluded.

Thank you for considering these issues concerning Senate File 640. If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,

Dan Youmans
Director – External Affairs
Cingular Wireless

**Senators Metzen, Anderson, Scheid, Kleis and Belanger introduced--
S.F. No. 1064: Referred to the Committee on Jobs, Energy and Community Development.**

1 A bill for an act

2 relating to telecommunications; establishing an
3 accessible electronic information service for blind
4 and disabled persons; appropriating money; amending
5 Minnesota Statutes 2004, section 237.52, subdivisions
6 2, 4; proposing coding for new law in Minnesota
7 Statutes, chapter 248.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

9 Section 1. Minnesota Statutes 2004, section 237.52,
10 subdivision 2, is amended to read:

11 Subd. 2. [ASSESSMENT.] The commissioner of commerce and
12 the commissioner of employment and economic development shall
13 annually recommend to the commission an adequate and appropriate
14 surcharge and budget to implement sections 237.50 to 237.56 and
15 248.061, respectively. The Public Utilities Commission shall
16 review the budget budgets for reasonableness and may modify the
17 budget to the extent it is unreasonable. The commission shall
18 annually determine the funding mechanism to be used within 60
19 days of receipt of the recommendation of the department
20 departments and shall order the imposition of surcharges
21 effective on the earliest practicable date. The commission
22 shall establish a monthly charge no greater than 20 cents for
23 each customer access line, including trunk equivalents as
24 designated by the commission pursuant to section 403.11,
25 subdivision 1.

26 Sec. 2. Minnesota Statutes 2004, section 237.52,

1 subdivision 4, is amended to read:

2 Subd. 4. [APPROPRIATION.] Money in the fund is
3 appropriated to the commissioner of commerce to implement
4 sections 237.51 to 237.56 and to the commissioner of employment
5 and economic development to implement section 248.061.

6 Sec. 3. [248.061] [DEFINITIONS.]

7 Subdivision 1. [SCOPE.] The definitions in this section
8 apply to sections 248.061 and 248.062.

9 Subd. 2. [ACCESSIBLE ELECTRONIC INFORMATION
10 SERVICE.] "Accessible electronic information service" means news
11 and other timely information, including newspapers, provided to
12 eligible individuals from a multistate service center, using
13 high-speed computers and telecommunications technology for
14 acquisition of content and rapid distribution in a form
15 appropriate for use by those individuals.

16 Subd. 3. [BLIND AND DISABLED PERSON.] "Blind and disabled
17 person" means an individual who is eligible for library loan
18 services through the Library of Congress and the State Library
19 for the Blind and Physically Handicapped under Code of Federal
20 Regulations, title 36, section 701.10, subsection (b).

21 Subd. 4. [COMMISSIONER.] "Commissioner" means the
22 commissioner of employment and economic development.

23 Subd. 5. [QUALIFIED ENTITY.] "Qualified entity" means an
24 agency, instrumentality, or political subdivision of the state
25 or a nonprofit organization that:

26 (1) provides access for an eligible person to read daily
27 newspapers through producing audio or Braille editions by
28 computer;

29 (2) obtains electronic news text through direct transfer
30 arrangements made with participating news organizations and does
31 not replicate their electronic editions, which are otherwise
32 available on the Internet; and

33 (3) provides a means of program administration and reader
34 registration on the Internet.

35 Sec. 4. [248.062] [DUTIES OF COMMISSIONER.]

36 The commissioner must enter into an agreement with a

- 1 qualified entity to provide an accessible electronic information
- 2 service for blind and disabled persons. . This service must be
- 3 planned for continuation from year to year.

1 To: Senator Anderson, Chair
 2 Committee on Jobs, Energy and Community Development
 3 Senator Kelley,
 4 Chair of the Subcommittee on Telecommunications and
 5 Technology, to which was referred

6 S.F. No. 1064: A bill for an act relating to
 7 telecommunications; establishing an accessible electronic
 8 information service for blind and disabled persons;
 9 appropriating money; amending Minnesota Statutes 2004, section
 10 237.52, subdivisions 2, 4; proposing coding for new law in
 11 Minnesota Statutes, chapter 248.

12 Reports the same back with the recommendation that the bill
 13 be amended as follows:

14 Page 1, line 15, delete "248.061" and insert "248.062"

15 Page 1, line 17, after the period, insert "The maximum
 16 annual budget to implement section 248.062 may not exceed
 17 \$100,000."

18 Page 2, line 12, delete "multistate"

19 Page 2, delete line 16 and insert:

20 "Subd. 3. [ELIGIBLE INDIVIDUAL.] Eligible individual"

21 Page 2, line 17, delete everything before "means"

22 Page 2, line 26, delete "person" and insert "individual"

23 Page 2, line 28, after the semicolon, insert "or"

24 Page 2, delete lines 29 to 32

25 Page 2, line 33, delete "(3)" and insert "(2)"

26 Page 2, line 36, delete "an agreement" and insert
 27 "agreements" and delete "a"

28 Page 3, line 1, delete "entity" and insert "entities"

29 Page 3, line 2, delete "blind and disabled persons" and
 30 insert "eligible individuals"

31 Page 3, after line 3, insert:

32 "Sec. 5. [EFFECTIVE DATE.]

33 "Sections 1 to 4 are effective the day following final

34 enactment and apply to the budget for Minnesota Statutes,

35 section 248.062, for services provided after April 15, 2005."

36 And when so amended that the bill be recommended to pass
 37 and be referred to the full committee.

38
 39 *Steve Kelley*
 40
 41 (Subcommittee Chair)

March 4, 2005.....
 (Date of Subcommittee action)

1 Senator moves to amend S.F. No. 640 as follows:

2 Page 3, line 36, after "A" insert "person, including a"

Senators Dibble and Kelley introduced--

S.F. No. 1068: Referred to the Committee on Jobs, Energy and Community Development.

1 A bill for an act

2 relating to telecommunication; charges after
3 cancellation; amending Minnesota Statutes 2004,
4 section 237.74, by adding a subdivision.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

6 Section 1. Minnesota Statutes 2004, section 237.74, is
7 amended by adding a subdivision to read:

8 Subd. 14. [CANCELLATION OF LONG DISTANCE SERVICE.] (a) A
9 telecommunications carrier providing long distance service may
10 not charge a customer for long distance service after the
11 customer has requested that carrier to cancel the customer's
12 long distance service.

13 (b) Notwithstanding the limitation on charges in paragraph
14 (a), if a customer with a fixed term contract requests that a
15 telecommunications carrier providing long distance service
16 cancel that customer's long distance service, the
17 telecommunications carrier may charge the customer for long
18 distance service until the end of the contract term but not
19 after the end of the contract term.

20 (c) A telecommunications carrier providing long distance
21 service may not require a customer to contact the customer's
22 local telephone service provider in order for the customer to
23 cancel long distance service with the carrier.

Senators Dibble and Kelley introduced--

S.F. No. 640: Referred to the Committee on Jobs, Energy and Community Development.

1 A bill for an act

2 relating to consumer protection; regulating the
3 creation and maintenance of wireless directory
4 assistance service databases; protecting consumer
5 privacy; proposing coding for new law in Minnesota
6 Statutes, chapter 325E.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

8 Section 1. [325E.317] [DEFINITIONS.]

9 Subdivision 1. [SCOPE.] For purposes of this section and
10 section 325E.318, the terms defined in subdivisions 2 to 7 have
11 the meanings given them.

12 Subd. 2. [CALLING PARTY'S IDENTITY.] "Calling party's
13 identity" means the telephone number of the calling party or the
14 name of the subscriber to the telephone, or an oral or text
15 message that provides sufficient information to enable a
16 commercial mobile services subscriber to determine who is
17 calling.

18 Subd. 3. [CURRENT SUBSCRIBER.] "Current subscriber" means
19 any subscriber to commercial mobile service as of the date when
20 a wireless directory assistance is implemented by a provider of
21 commercial mobile service.

22 Subd. 4. [NEW SUBSCRIBER.] "New subscriber" means any
23 subscriber to commercial mobile service who becomes a subscriber
24 after the date when a wireless directory assistance service is
25 implemented by a provider of commercial mobile service, and
26 includes any subscriber of a different provider of commercial

1 mobile service who subsequently switches to a new provider of
 2 commercial mobile service.

3 Subd. 5. [UNLISTED COMMERCIAL MOBILE SERVICES
 4 SUBSCRIBER.] "Unlisted commercial mobile services subscriber"
 5 means:

6 (1) a current subscriber to commercial mobile services who
 7 has not provided express prior consent to a commercial mobile
 8 service provider to be included in a wireless directory
 9 assistance service database; and

10 (2) a new subscriber to commercial mobile service who has
 11 exercised the right contained in section 325E.318, subdivision
 12 2, clause (2), to decline or refuse inclusion in a wireless
 13 directory assistance database.

14 Subd. 6. [WIRELESS DIRECTORY ASSISTANCE
 15 SERVICE.] "Wireless directory assistance service" means any
 16 service for connecting calling parties to a subscriber of
 17 commercial mobile service when the calling parties themselves do
 18 not possess the subscriber's wireless telephone number
 19 information.

20 Subd. 7. [WIRELESS TELEPHONE NUMBER
 21 INFORMATION.] "Wireless telephone number information" means the
 22 telephone number, electronic address, and any other identifying
 23 information by which a calling party may reach a subscriber to
 24 commercial mobile services, and which is assigned by a
 25 commercial mobile service provider to the subscriber, and
 26 includes the subscriber's name and address.

27 Sec. 2. [325E.318] [WIRELESS CONSUMER PRIVACY PROTECTION.]

28 Subdivision 1. [CURRENT SUBSCRIBERS.] A provider of
 29 commercial mobile services, or any direct or indirect affiliate
 30 or agent of a provider, may not include the wireless telephone
 31 number information of any current subscriber in any wireless
 32 directory assistance service database unless:

33 (1) the mobile service provider provides a conspicuous,
 34 separate notice to the subscriber informing the subscriber of
 35 the right not to be listed in any wireless directory assistance
 36 service; and

1 (2) the mobile service provider obtains express prior
2 authorization for listing from the subscriber, separate from any
3 authorization obtained to provide the subscriber with commercial
4 mobile service, or any calling plan or service associated with
5 the commercial mobile service, and the authorization has not
6 been subsequently withdrawn.

7 Subd. 2. [NEW SUBSCRIBERS.] A provider of commercial
8 mobile services, or any direct or indirect affiliate or agent of
9 such a provider, may include the wireless telephone number
10 information of any new subscriber in a wireless directory
11 assistance service database only if the commercial mobile
12 service provider:

13 (1) provides a conspicuous, separate notice to the
14 subscriber, at the time of entering into an agreement to provide
15 commercial mobile service, and at least once a year thereafter,
16 informing the subscriber of the right not to be listed in any
17 wireless directory assistance service database; and

18 (2) provides the subscriber with convenient mechanisms by
19 which the subscriber may decline or refuse to participate in the
20 database, including mechanisms at the time of entering into an
21 agreement to provide commercial mobile service, in the billing
22 of the service, and when receiving any connected call from a
23 wireless directory assistance service.

24 Subd. 3. [CALL FORWARDING.] A provider of commercial
25 mobile services, or any direct or indirect affiliate or agent of
26 the provider, may connect a calling party from a wireless
27 directory assistance service to a commercial mobile service
28 subscriber only if:

29 (1) the subscriber is provided prior notice of the calling
30 party's identity and is permitted to accept or reject the
31 incoming call on a per call basis;

32 (2) the subscriber's wireless telephone number information
33 is not disclosed to the calling party; and

34 (3) the subscriber is not an unlisted commercial mobile
35 service subscriber.

36 Subd. 4. [PUBLICATION OF DIRECTORIES PROHIBITED.] A

1 provider of commercial mobile services, or any direct or
2 indirect affiliate or agent of a provider, may not publish, in
3 printed, electronic, or other form, the contents of any wireless
4 directory assistance service database, or any portion or segment
5 of it.

6 Subd. 5. [NO CONSUMER FEE FOR RETAINING PRIVACY.] A
7 provider of commercial mobile services may not charge any
8 subscriber for exercising any of the rights under this
9 subdivision.

Senators Neuville, Dibble and Bachmann introduced--
S.F. No. 1353: Referred to the Committee on Jobs, Energy & Community Development

1 A bill for an act
2 relating to consumer protection; regulating wireless
3 telephone directories; protecting consumer privacy;
4 proposing coding for new law in Minnesota Statutes,
5 chapter 325F.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

7 Section 1. [325F.6951] [DEFINITIONS.]

8 Subdivision 1. [CALLING PARTY'S IDENTITY.] "Calling
9 party's identity" means the telephone number of the calling
10 party or the name of the customer to the telephone, or an oral
11 or text message that provides sufficient information to enable a
12 wireless telecommunications services customer to determine who
13 is calling.

14 Subd. 2. [PROVIDER.] "Provider" means a provider of
15 wireless telecommunications services.

16 Subd. 3. [TELECOMMUNICATIONS
17 SERVICES.] "Telecommunications services" has the meaning given
18 in section 297A.61, subdivision 24, paragraph (a).

19 Subd. 4. [WIRELESS DIRECTORY ASSISTANCE
20 SERVICE.] "Wireless directory assistance service" means any
21 service for connecting calling parties to a wireless
22 telecommunications services customer when the calling parties
23 themselves do not possess the customer's wireless telephone
24 number information.

25 Subd. 5. [WIRELESS TELECOMMUNICATIONS SERVICES.] "Wireless

1 telecommunications services" has the meaning given in section
2 325F.695.

3 Subd. 6. [WIRELESS TELEPHONE DIRECTORY.] "Wireless
4 telephone directory" means a directory or database containing
5 wireless telephone number information or any other identifying
6 information by which a calling party may reach a wireless
7 telecommunications services customer.

8 Subd. 7. [WIRELESS TELEPHONE NUMBER
9 INFORMATION.] "Wireless telephone number information" means the
10 telephone number, electronic address, and any other identifying
11 information by which a calling party may reach a wireless
12 telecommunications services customer, which is assigned by a
13 provider to the customer and includes the customer's name and
14 address.

15 Sec. 2. [325F.6952] [WIRELESS TELEPHONE DIRECTORY.]

16 Subdivision 1. [NOTICE.] (a) A provider, or any direct or
17 indirect affiliate or agent of a provider, may not disclose,
18 provide, or sell a customer's wireless telephone information for
19 inclusion in a wireless telephone directory of any form, and may
20 not sell a wireless telephone directory containing a customer's
21 wireless telephone number information without first providing a
22 customer with a conspicuous, separate notice that unambiguously
23 discloses that:

24 (1) by providing prior express authorization, a customer
25 consents to allow a provider to sell the customer's wireless
26 telephone number information for inclusion in a wireless
27 telephone directory; and

28 (2) if permitted under the customer's contract with a
29 provider, the customer may be billed for receiving unsolicited
30 calls or text messaging.

31 (b) The notice must state that the customer has the right
32 not to be listed in any wireless telephone directory and that no
33 fee may be charged to a subscriber for choosing not to be listed.

34 (c) The provider must send the notice to all customers once
35 a year and to new customers within 30 days of the date of the
36 contract for wireless telecommunications services.

1 Subd. 2. [AUTHORIZATION.] (a) A provider, or any direct or
2 indirect affiliate or agent of a provider, may not disclose,
3 provide, or sell a customer's wireless telephone information for
4 inclusion in a wireless telephone directory of any form, and may
5 not sell a wireless telephone directory containing a customer's
6 wireless telephone number information without first receiving
7 prior express authorization from the customer.

8 (b) The customer must indicate in the authorization whether
9 only the customer's name and telephone number are authorized to
10 be included in a wireless telephone directory, or whether
11 additional information, including the customer's physical
12 address, e-mail address, ENUM, and any other identifying
13 information by which a calling party may reach a customer, is
14 also authorized to be included. For purposes of this paragraph,
15 "ENUM" means the technology that enables a user to store contact
16 information that can be accessed by another person through the
17 use of one telephone number.

18 (c) A provider meets the prior express authorization
19 requirement of this section only if it obtains a customer's
20 written authorization in the form of a letter of agency, a
21 customer's oral authorization verified by an independent third
22 party, or a copy of an e-mail notice of verification as
23 described in clause (3).

24 (1) If a provider obtains a customer's written
25 authorization in the form of a letter of agency, it must be a
26 separate or easily separable document. The sole purpose of the
27 letter of agency is to authorize the provider to provide the
28 customer's wireless telephone number information for inclusion
29 in a directory. The letter of agency must be clearly legible,
30 must contain clear and unambiguous language, and must be signed
31 and dated by the customer.

32 (2) A customer's oral authorization must be verified by an
33 independent third-party verifier. The verification is valid
34 only if:

35 (i) the independent third party confirms the customer's
36 identity with information unique to the customer, unless the

1 customer refuses, which fact must be noted; and

2 (ii) the independent third party informs the customer that
3 the customer is agreeing to authorize the provider to provide
4 the customer's wireless telephone number information for
5 inclusion in a wireless telephone directory, which may result in
6 additional billing to the customer for receiving unsolicited
7 calls or text messaging.

8 (3) If a customer enters a contract via the Internet with a
9 provider for wireless telephone service, the third-party service
10 provider must, within 48 hours of receiving the customer's
11 authorization, send the customer, via e-mail, a notice of
12 verification confirming the authorization.

13 (4) The provider shall maintain a record of the customer's
14 express authorization for the duration of the contract by
15 retaining a copy of the letter of agency, documentation of the
16 oral verification, or the notice of verification, as appropriate.

17 (d) A customer may revoke the express prior authorization
18 provided under this subdivision at any time by written
19 authorization, oral authorization verified by an independent
20 third-party verifier, or via the Internet, utilizing the
21 procedures in paragraph (c). A provider must comply with a
22 customer's request to revoke the customer's express prior
23 authorization within 60 days of the request.

24 Subd. 3. [EXCEPTIONS.] This section does not apply to the
25 provision of a customer's assigned wireless telephone number
26 information in order to implement a customer's request to
27 transfer the customer's assigned telephone number from the
28 customer's existing provider to a new telecommunications
29 services provider.

30 Sec. 3. [325F.6953] [CALL FORWARDING.]

31 A provider, or any direct or indirect affiliate or agent of
32 a provider, may connect a calling party from a wireless
33 directory assistance service to a customer who has given the
34 provider prior express authorization to provide the customer's
35 wireless telephone number information for inclusion in a
36 wireless telephone directory only if:

1 (1) the customer is provided prior notice of the calling
2 party's identity and is permitted to accept or reject the
3 incoming call on a per-call basis; and

4 (2) the customer's wireless telephone number information is
5 not disclosed to the calling party.

6 Sec. 4. [325F.6954] [NO FEE TO RETAIN PRIVACY.]

7 A provider may not charge a customer for exercising any of
8 the rights under sections 325F.6952 to 325F.6955.

9 Sec. 5. [325F.6955] [REMEDIES.]

10 A person found to have violated sections 325F.6952 to
11 325F.6954 is subject to the penalties and remedies as provided
12 in section 8.31, excluding a private right of action to recover
13 damages, as set forth in section 8.31, subdivision 3a.

14 Sec. 6. [EFFECTIVE DATE.]

15 Sections 1 to 5 are effective the day following final
16 enactment.

1 Senator moves to amend S.F. No. 1353 as follows:

2 Page 5, line 12, delete everything after "8.31" and insert

3 a period

4 Page 5, delete line 13