

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1297 be amended to read as follows:

- 1 Page 3, delete lines 5 through 12, begin a new paragraph and
- 2 insert:
- 3 **"Sec. 2. As used in this chapter, "telecommunications**
- 4 **provider" means a person that provides telecommunications**
- 5 **service.**
- 6 **Sec. 3. As used in this chapter "telecommunications service"**
- 7 **means the electronic transmission, between or among points**
- 8 **specified by the user, of information of the user's choosing without**
- 9 **change in the form or content of the information sent and received.**
- 10 **The term includes local exchange service, message toll service, and**
- 11 **data transmission."**
- 12 Page 3, line 13, delete "5." and insert "4."
- 13 Page 3, delete lines 20 through 42, begin a new paragraph and
- 14 insert:
- 15 **"Sec. 5. (a) The office of the utility consumer counselor and the**
- 16 **attorney general shall initially refer a complaint filed with their**
- 17 **respective agencies by a customer alleging a violation of this**
- 18 **chapter to the consumer division of the commission.**
- 19 **(b) The office of the utility consumer counselor and the**
- 20 **attorney general shall advise a customer filing a complaint under**
- 21 **subsection (a) that the customer may have the complaint reviewed**
- 22 **by the consumer affairs division of the commission under section**
- 23 **6 of this chapter.**
- 24 **Sec. 6. (a) A customer or, in the event of a pattern of violations,**

1 a telecommunications provider may directly file a complaint
 2 alleging a violation of this chapter with the consumer affairs
 3 division of the commission or through the office of the utility
 4 consumer counselor or attorney general under section 5 of this
 5 chapter. The consumer affairs division of the commission shall
 6 consider and propose a disposition of a complaint under the
 7 informal review process under 170 IAC 7-1.1-17.

8 (b) As part of the review process under subsection (a), the
 9 consumer affairs division of the commission shall review the
 10 information compiled and maintained under subsection (c) and
 11 consider the number of complaints filed against the
 12 telecommunications provider under this chapter.

13 (c) The consumer affairs division of the commission shall
 14 compile and maintain a list of complaints filed under this chapter
 15 that:

- 16 (1) is current;
- 17 (2) specifies the number of complaints filed against a single
 18 telecommunications provider; and
- 19 (3) specifies the number of complaints filed against
 20 telecommunications generally.

21 The consumer affairs division of the commission shall furnish the
 22 information compiled and maintained under this section to the
 23 office of the utility consumer counselor and to the attorney general
 24 on a quarterly basis.

25 Sec. 7. (a) A telecommunications provider shall report a
 26 complaint received from a customer alleging a violation of this
 27 chapter to the consumer affairs division of the commission on a
 28 quarterly basis.

29 (b) The report required under subsection (a) must include the
 30 disposition of the complaint and action taken by the
 31 telecommunications provider, if any.

32 (c) A telecommunications provider shall advise a customer
 33 who notifies the provider of a complaint under subsection (a) that
 34 the customer's complaint may be reviewed by the commission
 35 under section 6 of this chapter.

36 (d) The reporting requirements of this section apply to all
 37 telecommunications providers, including a telecommunications
 38 provider furnishing service to a customer at the time a violation of
 39 this chapter occurs.

40 Sec. 8. (a) If the consumer affairs division of the commission
 41 fails to render a decision on a complaint filed under section 6 of
 42 this chapter within thirty (30) days after receiving the complaint,
 43 the consumer affairs division shall notify the office of the utility
 44 consumer counselor and the customer in writing within ten (10)
 45 days after the expiration of the thirty (30) day period.

46 (b) The office of the utility consumer counselor:

1 (1) may on its own motion; and
 2 (2) shall at the request of a customer;
 3 file a complaint with the commission within thirty (30) days after
 4 receiving notice from the consumer affairs division of the
 5 commission under subsection (a). The commission shall hold a
 6 public hearing and enter an order on the complaint filed under this
 7 section within thirty (30) days after the hearing.

8 (c) If the commission determines that a pattern of violations of
 9 this chapter has occurred, it may revoke the telecommunications
 10 provider's certificate of territorial authority if the revocation is
 11 otherwise consistent with this article. The ability to revoke the
 12 telecommunications provider's certificate of territorial authority
 13 is in addition to other remedies available to the commission.

14 (d) The commission shall provide notice and conduct a hearing
 15 under this section consistent with the provisions of IC 8-1.

16 (e) This section does not limit the remedies and powers
 17 available to the office of the utility consumer counselor under
 18 IC 8-1-1.1-4.1.

19 Sec. 9. (a) If the office of the utility consumer counselor fails to
 20 file a complaint under section 8 of this chapter within the time
 21 period specified in that section, the office of the utility consumer
 22 counselor shall, within thirty (30) days after the expiration of the
 23 time period specified in that section, notify in writing the consumer
 24 protection division of the office of the attorney general.

25 (b) Notwithstanding subsection (a), the office of the utility
 26 consumer counselor:

27 (1) may on its own motion; and
 28 (2) shall at the request of a customer;
 29 refer a complaint under section 8 of this chapter directly to the
 30 consumer protection division of the office of the attorney general.
 31 A complaint under this subsection is still actionable by the office of
 32 the utility consumer counselor under section 8 of this chapter.

33 (c) The consumer protection division shall investigate a
 34 complaint of which it is notified under subsection (a) or (b) to
 35 determine if a violation of this chapter has occurred. If the
 36 consumer protection division of the attorney general determines
 37 that a violation of this chapter has occurred, the violation is
 38 actionable as a deceptive act by the attorney general and by the
 39 customer and is subject to the remedies and penalties provided
 40 under IC 24-5-0.5.

41 (d) The attorney general shall notify in writing the commission
 42 and office of the utility consumer counselor of the disposition of a
 43 complaint filed with the attorney general under this section.

44 Sec. 10. (a) The commission shall adopt rules under IC 4-22-2
 45 to implement this chapter.

46 (b) Rules adopted under subsection (a) must be consistent with

1 **federal law and the rules adopted by the Federal Communications**
2 **Commission concerning verification procedures for the switching**
3 **of telecommunications providers.**
4 **Sec. 11. The commission shall notify the Federal**
5 **Communications Commission on a quarterly basis of the following**
6 **information:**
7 **(1) The number of complaints filed under this chapter during**
8 **the reporting period.**
9 **(2) The telecommunications providers against which**
10 **complaints were filed.**
11 **(3) The disposition of the complaints.**
12 **(4) A chronological listing of the complaints filed against**
13 **each telecommunications provider as of the end of the**
14 **reporting period."**
15 Delete page 4.

(Reference is to HB 1297 as printed January 22, 1998.)

Representative Kruzan