



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 992

H.P. 687

House of Representatives, March 18, 2015

An Act To Regulate Standards of Service for Mobile Telecommunications Services and Broadband Services

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative KUMIEGA of Deer Isle. Cosponsored by Senator JOHNSON of Lincoln and Representatives: BEEBE-CENTER of Rockland, BLACK of Wilton, DeCHANT of Bath, TIPPING-SPITZ of Orono.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 35-A MRSA §102, sub-§1-A is enacted to read:
3 4 5 6	<u>1-A. Broadband service provider.</u> "Broadband service provider" means a communications service provider that offers a 2-way, always-on, communications service that provides access to public data networks and the Internet, but does not include a mobile telecommunications service provider.
7 8	Sec. 2. 35-A MRSA §1508-A, sub-§1, as amended by PL 2011, c. 623, Pt. B, §5, is further amended to read:
9 10	1. Penalty. Unless otherwise specified in law, the commission may, in an adjudicatory proceeding, impose an administrative penalty as specified in this section.
11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	A. For willful violations of this Title, a commission rule or a commission order by a public utility, voice service provider, dark fiber provider, wholesale competitive local exchange carrier, mobile telecommunications service provider, broadband service provider or a competitive electricity provider, the commission may impose an administrative penalty for each violation in an amount that does not exceed \$5,000 or .25% of the annual gross revenue that the public utility, voice service provider, dark fiber provider, wholesale competitive local exchange carrier, mobile telecommunications service provider or the competitive electricity provider received from sales in the State, whichever amount is lower. Each day a violation continues constitutes a separate offense. The maximum administrative penalty for any related series of violations may not exceed \$500,000 or 5% of the annual gross revenue that the public utility, voice service provider, dark fiber provider, wholesale competitive local exchange carrier, mobile telecommunications service provider service of violations may not exceed \$500,000 or 5% of the annual gross revenue that the public utility, voice service provider, dark fiber provider, wholesale competitive local exchange carrier, mobile telecommunications service provider, broadband service provider or the competitive electricity provider received from sales in the State, whichever amount is lower.
26 27 28 29 30 31 32	B. For a violation in which a public utility, voice service provider, dark fiber provider, wholesale competitive local exchange carrier, <u>mobile telecommunications</u> <u>service provider</u> , <u>broadband service provider</u> or a competitive electricity provider was explicitly notified by the commission that it was not in compliance with the requirements of this Title, a commission rule or a commission order and that failure to comply could result in the imposition of administrative penalties, the commission may impose an administrative penalty that does not exceed \$500,000.
33 34 35 36 37 38 39	C. The commission may impose an administrative penalty in an amount that does not exceed \$1,000 on any person that is not a public utility, voice service provider, dark fiber provider, wholesale competitive local exchange carrier, mobile telecommunications service provider, broadband service provider or a competitive electricity provider and that violates this Title, a commission rule or a commission order. Each day a violation continues constitutes a separate offense. The administrative penalty may not exceed \$25,000 for any related series of violations.
40 41 42	D. In addition to the administrative penalties authorized by this subsection, the commission may require disgorgement of profits or revenues realized as a result of a violation of this Title, a commission rule or a commission order.

1	Sec. 3.	35-A	MRSA	§8903	is enacted to read:
---	---------	------	------	-------	---------------------

2 <u>§8903. Regulation of mobile telecommunications service providers and broadband</u> 3 <u>service providers</u>

<u>Notwithstanding any other provisions of this Title, the commission may by rule</u>
<u>establish service standards for mobile telecommunications service providers and</u>
<u>broadband service providers, investigate consumer complaints and impose a penalty</u>
<u>under section 1508-A for a violation of the adopted standards. The commission shall by</u>
<u>rule establish a reasonable assessment on mobile telecommunications service providers</u>
<u>and broadband service providers to fund commission activities related to this section.</u>

1. Rules. The commission shall adopt rules to implement this section. Rules adopted under this subsection are major substantive rules as described in Title 5, chapter 375, subchapter 2-A.

13 2. Nonlapsing fund. There is established a nonlapsing, interest-earning fund to 14 carry out the purposes of this section. All funds collected by the commission from 15 assessments on mobile telecommunications service providers and broadband service 16 providers must be deposited in the fund to be used solely by the commission to fund 17 commission activities related to this section.

Sec. 4. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 35-A, chapter 89, in the chapter headnote, the words "mobile telecommunications services" are amended to read "mobile telecommunications services and broadband service providers" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 5. Report. By January 15, 2016, the Public Utilities Commission shall provide the Joint Standing Committee on Energy, Utilities and Technology with an update on the progress made in the implementation of the Maine Revised Statutes, Title 35-A, section 8903. The report must include legislation necessary to accomplish the purposes of Title 35-A, section 8903. After receiving the report, the Joint Standing Committee on Energy, Utilities and Technology may report out a bill to the Second Regular Session of the 127th Legislature.

30

SUMMARY

31 This bill defines the term "broadband service provider." This bill provides authority 32 for the Public Utilities Commission to regulate service standards for providers of mobile 33 telecommunications services and broadband services and to investigate consumer 34 complaints. This bill also allows the Public Utilities Commission, through an 35 adjudicatory proceeding, to assess an administrative penalty on a mobile telecommunications service provider or broadband service provider for violations of 36 37 standards adopted by the Public Utilities Commission. The bill allows the Public Utilities 38 Commission to establish a reasonable assessment on providers to implement these 39 provisions. This bill creates a nonlapsing fund for assessments. This bill provides the 40 authority for the Public Utilities Commission to enact major substantive rules to

implement these provisions. Lastly, this bill requires that the Public Utilities Commission
report to the Joint Standing Committee on Energy, Utilities and Technology on the
progress made in the implementation of these provisions and include in the report
legislation necessary to accomplish the purposes of this bill. The Joint Standing
Committee on Energy, Utilities and Technology may report out a bill to the Second
Regular Session of the 127th Legislature.