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,	2	Date: 1/29/24 REPORT C (Filing No. H-735)
	3	ENERGY, UTILITIES AND TECHNOLOGY
	4	Reproduced and distributed under the direction of the Clerk of the House.
	5	STATE OF MAINE
	6	HOUSE OF REPRESENTATIVES
	7	131ST LEGISLATURE
	8	SECOND REGULAR SESSION
	9 10	COMMITTEE AMENDMENT "B" to H.P. 1240, L.D. 1932, "An Act to Require Broadband Internet Access Service Providers to Prorate Customer Bills"
	11	Amend the bill by striking out everything after the enacting clause and inserting the
	12	following:
	13	'Sec. 1. 10 MRSA c. 237 is enacted to read:
	14	CHAPTER 237
	15	BROADBAND INTERNET ACCESS SERVICE
	16	<u>§1500-U. Broadband Internet access service</u>
	17 18	<u>1. Definitions.</u> As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.
	19	A. "Broadband Internet access service" or "service" means a mass-market retail service
	20 21	by wire that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and
	22	enable the operation of the service, excluding dial-up Internet access service.
	23 24	B. "Customer" means a current or former subscriber of broadband Internet access
	24 25	<u>service.</u> <u>C. "Provider" means a person that provides broadband Internet access service.</u>
	25	2. Service cancellation. A provider in the State shall provide a customer with a pro
	20	rata credit or rebate for the days of the monthly billing period after the cancellation of
	28	broadband Internet access service if that customer requests cancellation of service 3 or
	29	more working days before the end of the monthly billing period. A customer is not eligible
	30	to receive a pro rata credit or rebate under this subsection if the customer fails to return
	31	equipment of the provider related to the provision of broadband Internet access service.

Page 1 - 131LR2408(04)

COMMITTEE AMENDMENT "B" to H.P. 1240, L.D. 1932

ROS	1 2 3 4 5 6	3. Interruption of service. Except as otherwise provided in this subsection, if broadband Internet access service to a customer is interrupted for 6 or more consecutive hours in a single billing period, the provider shall, upon request by the customer, grant that customer a pro rata credit or rebate. To receive a pro rata credit or rebate, a customer must submit the request to the provider no later than 60 days after the end of the billing period in which the interruption occurred.
	7 8 9	<u>A customer is not eligible to receive a pro rata credit or rebate under this subsection for an interruption in broadband Internet access service if the interruption was caused by an act beyond the reasonable control of the provider, including, but not limited to:</u>
	10 11	A. A natural event, including, but not limited to, a fire, explosion, storm, hurricane, tornado, earthquake or flood;
	12 13	<u>B. The actions of a 3rd party not working on behalf of the provider, including, but not limited to, the operation of a motor vehicle or excavation activities; or</u>
	14 15	<u>C. An interruption in service due to customer-owned equipment, customer wiring or</u> the malfunction of equipment not owned by the provider on a utility pole.
	16 17 18 19 20 21 22 23	4. Notice to customers. A provider shall include on each customer bill for broadband Internet access service a notice regarding the customer's right to a pro rata credit or rebate for interruption of service upon request in accordance with subsection 3 or cancellation of service in accordance with subsection 2. The notice must include a toll-free telephone number and a telephone number accessible by a teletypewriter device or TTY for contacting the provider to request the pro rata credit or rebate. The notice must be in nontechnical language, understandable by the general public and printed in a prominent location on the bill in boldface type.
	24 25	5. Unfair trade practice violations. A violation of this chapter constitutes a violation of the Maine Unfair Trade Practices Act.
	26 27	Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.
	28	SUMMARY
	29	This amendment replaces the bill and does the following.
	30 31 32	1. It moves the statutory allocation from the Maine Revised Statutes, Title 35-A to Title 10 and specifies that a violation of the provisions enacted in the amendment constitutes a violation of the Maine Unfair Trade Practices Act.
	33 34 35	2. It defines "broadband Internet access service" to exclude wireless and dial-up Internet access service and updates the definitions of "customer" and "provider" from the bill to reference that definition.
	36 37 38	3. It provides that a customer is not eligible to receive a pro rata credit or rebate for service cancellation if the customer fails to return equipment of the service provider related to the provision of broadband Internet access service.
	39 40 41	4. It requires a customer seeking a pro rata credit or rebate for interruption in service to submit a request to the provider no later than 60 days after the end of the billing period in which the interruption occurred.

Page 2 - 131LR2408(04)

COMMITTEE AMENDMENT "S" to H.P. 1240, L.D. 1932

5. It specifies that a customer is not eligible for a pro rata credit or rebate for interruption in service if the interruption in service was caused by an act beyond the reasonable control of the provider.

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Page 3 - 131LR2408(04)

COMMITTEE AMENDMENT