

**ASSEMBLY, No. 2082**

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**STATE OF NEW JERSEY**

**208th LEGISLATURE**

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INTRODUCED MAY 28, 1998

**Sponsored by:**

**Assemblywoman ROSE MARIE HECK**

**District 38 (Bergen)**

**Assemblyman KEVIN J. O'TOOLE**

**District 21 (Essex and Union)**

**Co-Sponsored by:**

**Assemblywoman Farragher, Assemblyman DiGaetano, Assemblywoman  
Murphy, Assemblymen Caraballo, Geist, Stuhltrager and Zecker**

**SYNOPSIS**

Establishes procedures for authorizing changes telecommunications service providers.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning changes in providers of telecommunications  
2 services and supplementing chapter 17 of Title 48 of the Revised  
3 Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. As used is this act:

9 "Board" means the Board of Public Utilities.

10 "Provider of telecommunications service" means any individual,  
11 firm, joint venture, partnership, corporation, association, public utility,  
12 cooperative association, joint stock association and includes any  
13 trustee, receiver, assignee, representative, provider of intrastate,  
14 interLATA, intraLATA or local exchange telecommunications service  
15 to an end-use customer.

16 "Service for which there are multiple providers" means a service for  
17 which customers have the ability to subscribe or select from more than  
18 one provider of telecommunications service.

19  
20 2. No telecommunications company, or any person, firm or  
21 corporation acting as an agent or representative on behalf of a  
22 telecommunications company, shall on behalf of a customer make any  
23 change or direct a different telecommunications company to make any  
24 change in a provider of a telecommunications service for which there  
25 are multiple providers, unless the company, agent or representative  
26 complies with authorization and confirmation procedures established  
27 by the board and by federal law and rules. In construing and enforcing  
28 the provisions of this section, the act of any person, firm or  
29 corporation acting as agent or representative acting on behalf of a  
30 telecommunications company within the parameters of the working  
31 agreement set forth by the telecommunications company shall be  
32 deemed to be the act of that telecommunications company.

33  
34 3. No telecommunications company or any person, firm or  
35 corporation acting as an agent or representative on behalf of a  
36 telecommunications company, shall, on behalf of a customer, fail to  
37 make any change in a provider of a telecommunications service for  
38 which there are multiple providers when such change order has been  
39 received in a manner that complies with federal and State rules and  
40 regulations. All such change orders must be properly processed to  
41 assure that the order is completed and service will be provided by the new  
42 telecommunications carrier of choice within ten business days of  
43 receipt of the compliant change order or within such other time period  
44 as agreed to by the customer.

45  
46 4. The board shall adopt rules and regulations relating to changes

1 in providers of telecommunications service that are consistent with  
2 federal law and which, among other requirements, shall establish  
3 procedures for a customer to confirm a change in a provider of  
4 telecommunications service made by another telecommunications  
5 company on behalf of the customer, establish procedures by which the  
6 new provider of telecommunications service shall notify a customer of  
7 a change in a provider of telecommunications service, and set forth  
8 methods for enforcing those rules and regulations.

9  
10 5. When an authorized change in a provider of a  
11 telecommunications service is made, the new provider of  
12 telecommunications service shall be responsible for notifying the  
13 customer of the change in the manner determined by the board  
14 pursuant to section 4 of this act within 30 days. In addition, any bill  
15 for intrastate, interLATA, intraLATA or local exchange service shall  
16 contain the name, address and telecommunications number of each  
17 provider of telecommunications service for which billing is provided

18  
19 6. A provider of telecommunications services who is determined by  
20 the board, after notice and opportunity to be heard, to have violated  
21 any provision of this act or any rule, regulation or order adopted  
22 pursuant thereto or to have violated any federal law and rules relating  
23 to changes in providers of telecommunications service applicable to  
24 intrastate service shall be liable to a civil penalty not to exceed \$2,500  
25 for each violation associated with a specific access line within the  
26 state. All moneys recovered from an administrative penalty imposed  
27 pursuant to this section shall be paid into the State Treasury to the  
28 credit of the General Fund.

29  
30 7. This act shall take effect on the first day of the third month  
31 following enactment.

#### 32 33 34 STATEMENT

35  
36 This bill establishes procedures for authorizing changes in  
37 customers' telecommunications service providers and directs the Board  
38 of Public Utilities (the board) to adopt rules and regulations relating  
39 to changes in providers of telecommunications service.

40 This bill, and the rules to be adopted by the board, would address  
41 unauthorized changes in providers of telecommunications, commonly  
42 known as slamming.

43 Competition in the telecommunications industry provides  
44 opportunities for making changes in one or more of a customer's  
45 selected telecommunications service by one or more other providers  
46 without the customer's knowledge, agreement or express

1 authorization. These unauthorized changes in telecommunications  
2 service providers are a deceptive practice in conducting business and  
3 an action that causes injury to customers. Unauthorized changes in  
4 telecommunications service may subject customers to excessive  
5 telecommunications charges, require time and effort by customers to  
6 reverse changes and deprive customers of a choice of  
7 telecommunications providers.

8 The bill provides that no telecommunications company or any  
9 person, firm or corporation acting as an agent or representative of a  
10 telecommunications company, may make any change or direct a  
11 different telecommunications company to make any change in a  
12 provider of a telecommunications service for which there are multiple  
13 providers on behalf of a customer, unless the company, agent or  
14 representative complies with authorization and confirmation  
15 procedures established by the board and by federal law and rules. The  
16 bill provides that the act of any person, firm or corporation acting as  
17 agent or representative of a telecommunications company when acting  
18 within the parameters of the working agreement set forth by the  
19 telecommunications company shall be deemed to be the act of that  
20 telecommunications company.

21 The bill also provides protections for customers seeking to change  
22 their telecommunications provider by requiring telecommunications  
23 company or any person, firm or corporation acting as an agent or  
24 representative on behalf of a telecommunications company, to make  
25 any change in a provider of a telecommunications service for which  
26 there are multiple providers when such change order has been received  
27 in a manner that complies with federal and State rules and regulations  
28 within ten business days of receipt of the compliant change order or  
29 within such other time period as agreed to by the customer.

30 The bill requires the board to adopt rules and regulations relating  
31 to changes in providers of telecommunications service that are  
32 consistent with federal law. The rules and regulations would establish  
33 procedures for a customer to confirm a change in a provider of  
34 telecommunications service made by another telecommunications  
35 company on behalf of the customer and set forth methods for  
36 enforcing those rules and regulations.

37 When an authorized change in a provider of a telecommunications  
38 service is made, the bill requires the new provider of  
39 telecommunications service to notify the customer of the change in the  
40 manner determined by the board within 30 days. The bill also requires  
41 any bill for intrastate, interLATA, intraLATA or local exchange  
42 service to contain the name, address and telecommunications number  
43 of each provider of telecommunications service for which billing is  
44 provided.

45 The bill authorizes the board to impose a civil penalty, after notice  
46 and opportunity to be heard, of not more than \$2,500 for each

1 violation associated with a specific access line within the state, if the  
2 board determines that a provider of telecommunications services has  
3 violated any provision of this act or any rule, regulation or order  
4 adopted pursuant thereto or has violated any federal law and rules  
5 relating to changes in providers of telecommunications service  
6 applicable to intrastate service.