

# HOUSE BILL No. 6092

May 21, 2002, Introduced by Reps. Vander Roest, Patterson, Palmer, Kuipers, Birkholz, Bradstreet, Hager, Shackleton, Stamas, Ruth Johnson, Spade, Murphy, Cameron Brown, Phillips, Richardville and Bishop and referred to the Committee on Energy and Technology.

A bill to amend 1991 PA 179, entitled  
"Michigan telecommunications act,"  
by amending section 305 (MCL 484.2305), as amended by 1995  
PA 216.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 305. (1) A provider of basic local exchange service  
2 shall not do any of the following:

3           (a) Discriminate against another provider by refusing or  
4 delaying access service to the local exchange.

5           (b) Refuse or delay interconnections or provide inferior  
6 connections to another provider.

7           (c) Degrade the quality of access service provided to  
8 another provider.

9           (d) Impair the speed, quality, or efficiency of lines used  
10 by another provider.

1 (e) Develop new services to take advantage of planned but  
2 not publicly known changes in the underlying network.

3 (f) Refuse or delay a request of another provider for infor-  
4 mation regarding the technical design, equipment capabilities and  
5 features, geographic coverage, and traffic patterns of the local  
6 exchange network.

7 (g) Refuse or delay access service or be unreasonable in  
8 connecting another provider to the local exchange whose product  
9 or service requires novel or specialized access service  
10 requirements.

11 (h) Upon a request, fail to fully disclose in a timely  
12 manner all available information necessary for the design of  
13 equipment that will meet the specifications of the local exchange  
14 network.

15 (i) Discriminate against any provider or any party who  
16 requests the information for commercial purposes in the dissemi-  
17 nation of customer proprietary information. A provider shall  
18 provide without unreasonable discrimination or delay telephone  
19 directory listing information and related services to persons  
20 purchasing telephone directory listing information to the same  
21 extent and in the same quality as provided to the provider,  
22 affiliates of the provider, or any other listing information  
23 purchaser.

24 (j) Refuse or delay access service by any person to another  
25 provider.

1           (k) Sell, lease, or otherwise transfer an asset to an  
2 affiliate for an amount less than the fair market value of the  
3 asset.

4           (l) Buy, lease, or otherwise acquire an asset from an affil-  
5 iate of the provider for an amount greater than the fair market  
6 value of the asset.

7           (m) Bundle unwanted services or products for sale or lease  
8 to another provider.

9           (n) Perform any act that has been prohibited by this act or  
10 an order of the commission.

11           (o) Sell services or products, extend credit, or offer other  
12 terms and conditions on more favorable terms to an affiliate of  
13 the provider than the provider offers to other providers.

14           (p) Discriminate in favor of an affiliated burglar and fire  
15 alarm service over a similar service offered by another  
16 provider.

17           (Q) SELL OR DISTRIBUTE INFORMATION REGARDING CUSTOMER TELE-  
18 COMMUNICATION USAGE WITHOUT THE CUSTOMER'S PRIOR WRITTEN CONSENT.

19           (2) A provider of cellular telecommunication services shall  
20 not do either of the following:

21           (a) Unreasonably provide services, extend credit, or offer  
22 other terms and conditions on more favorable terms to an affili-  
23 ate of the provider or to its retail department that sells to end  
24 users than the provider offers to other providers.

25           (b) Unreasonably use rates or proceeds from providers,  
26 directly or indirectly, to subsidize or offset the costs of

1 cellular service offered by the provider, or an affiliate of the  
2 provider, to other providers or to end-users.

3 (3) Until a provider has complied with section 304a, the  
4 provider of a rate regulated service shall not provide that serv-  
5 ice in combination with an unregulated service in section 401 or  
6 an unbundled or resold service under section 357 at a price that  
7 does not exceed the total service long run incremental cost of  
8 each service.