

## Session 115 - (2003-2004)

### H\*3080 (Rat #0402, Act #0005 of 2005) General Bill, By Easterday and Hinson

**Summary:** Utility service provider required to have customer authorization before changing to another provider

AN ACT TO AMEND TITLE 58, CHAPTER 3, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PUBLIC SERVICE COMMISSION, BY ADDING SECTION 58-3-230 SO AS TO PROHIBIT THE UNAUTHORIZED CHANGE OF A CUSTOMER'S UTILITY SERVICE PROVIDER, TO REQUIRE THAT THE AUTHORIZATION BE OBTAINED PURSUANT TO APPROPRIATE STATE AND FEDERAL REGULATIONS, TO PROVIDE THAT THE AUTHORIZATION FOLLOWS THE CUSTOMER, AND TO ESTABLISH PENALTIES; TO AMEND SECTION 58-9-280, AS AMENDED, RELATING TO THE REQUIREMENTS FOR A TELEPHONE UTILITY TO BE GRANTED A CERTIFICATE OF NECESSITY BEFORE THE CONSTRUCTION, OPERATION, OR EXTENSION OF A PLANT OR SYSTEM, SO AS TO PROVIDE THAT TELECOMMUNICATIONS CARRIERS THAT HAVE ELECTED TO HAVE RATES, TERMS, AND CONDITIONS DETERMINED PURSUANT TO THE PLAN DESCRIBED IN SECTION 58-9-576(B) SHALL PROVIDE ACCESS TO THESE CONTRACTS TO THE OFFICE OF THE REGULATORY STAFF OF THE PUBLIC SERVICE COMMISSION AS REQUIRED; TO ADD SECTION 58-9-285 SO AS TO PROVIDE FOR DEFINITIONS, TO PROHIBIT THE COMMISSION FROM REGULATING A BUNDLED OFFERING OR CONTRACT OFFERING BY A CARRIER AND REQUIRE A CARRIER TO ADHERE TO AN ALTERNATIVE REGULATORY PLAN UNTIL IT EXPIRES OR IS TERMINATED BY THE COMMISSION, WHICHEVER IS SOONER, TO PROVIDE THAT A LOCAL EXCHANGE CARRIER PROVIDING BUNDLED OFFERINGS OR CONTRACT OFFERINGS IS OBLIGATED TO PROVIDE CERTAIN UNIVERSAL SERVICE FUND (USF) CONTRIBUTIONS, AND TO PROVIDE FOR THE MANNER IN WHICH ACCESS MINUTES OF USE MUST BE CLASSIFIED AND REPORTED FOR PURPOSES OF ADMINISTERING THE INTERIM LOCAL EXCHANGE CARRIER FUND; TO AMEND SECTION 58-9-576, AS AMENDED, RELATING TO THE ELECTION A LOCAL EXCHANGE CARRIER MAY MAKE WITH REGARD TO ITS REGULATION, SO AS TO PROVIDE FURTHER CONDITIONS UNDER WHICH A LOCAL EXCHANGE CARRIER MAY MAKE THIS ELECTION, TO DEFINE "ABUSE OF MARKET POSITION", AND REQUIRE THE COMMISSION TO RESOLVE COMPLAINTS WITHIN ONE HUNDRED TWENTY DAYS; TO AMEND SECTION 58-3-580, AS AMENDED, RELATING TO THE OFFICE OF THE REGULATORY STAFF OF THE PUBLIC SERVICE COMMISSION, SO AS TO PROVIDE FOR OTHER APPROPRIATIONS; TO AMEND SECTION 58-4-60, RELATING TO CERTIFICATIONS BY THE OFFICE OF THE REGULATORY STAFF, SO AS TO EXCEPT THE CERTIFICATION DEADLINE FOR 2004; TO AMEND SECTION 58-4-100, RELATING TO PAYMENT OF EXPERT WITNESSES, SO AS TO ALLOW THE PARTIES TO AGREE TO COMPENSATION AND EXPENSES; AND TO PROVIDE VARIOUS EFFECTIVE DATES. - ratified title

12/04/02	House	Prefiled
12/04/02	House	Referred to Committee on Labor, Commerce and Industry
01/14/03	House	Introduced and read first time HJ-36
01/14/03	House	Referred to Committee on Labor, Commerce and Industry HJ-37
04/09/03	House	Committee report: Favorable with amendment Labor, Commerce and Industry HJ-5
04/22/03	House	Amended HJ-25
04/22/03	House	Read second time HJ-26
04/23/03	House	Read third time and sent to Senate HJ-18
04/23/03	Senate	Introduced and read first time SJ-13
04/23/03	Senate	Referred to Committee on Judiciary SJ-13
06/03/03	Senate	Recalled from Committee on Judiciary SJ-29
06/04/03	Senate	Read second time SJ-92
06/04/03	Senate	Ordered to third reading with notice of amendments SJ-92
05/13/04	Senate	Special order SJ-40
05/19/04	Senate	Debate interrupted SJ-90
05/20/04	Senate	Debate interrupted SJ-50
06/01/04	Senate	Amended SJ-63
06/01/04	Senate	Read third time and returned to House with amendments SJ-63
06/02/04	House	Concurred in Senate amendment and enrolled HJ-29
06/03/04		Ratified R 402
12/03/04		Signed By Governor
12/07/04		Copies available
12/07/04		Effective date See Act for Effective Date
02/16/05		Act No. 5