

**SUBSTITUTE FOR
SENATE BILL NO. 1342**

A bill to amend 1991 PA 179, entitled
"Michigan telecommunications act,"
(MCL 484.2101 to 484.2701) by adding section 309c; and to repeal
acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 309C. (1) THE AVERAGE RESPONSE TIME BY A PROVIDER OF
2 BASIC LOCAL EXCHANGE SERVICE TO A SERVICE OUTAGE REPORT FROM A
3 CUSTOMER SHALL NOT EXCEED 36 HOURS FOR ANY GIVEN MONTH.

4 (2) A PROVIDER OF BASIC LOCAL EXCHANGE SERVICE SHALL FILE A
5 REPORT WITH THE COMMISSION BY THE FIFTH DAY OF ANY MONTH THAT THE
6 AVERAGE RESPONSE TIME TO A SERVICE OUTAGE REPORT FROM A CUSTOMER
7 FOR THE PRECEDING MONTH EXCEEDS 36 HOURS.

8 (3) IN ADDITION TO ANY OTHER PENALTIES ALLOWED UNDER THIS
9 SECTION OR ACT, AFTER NOTICE AND HEARING A PROVIDER THAT VIOLATES
10 SUBSECTION (1) MAY BE FINED NOT MORE THAN \$1,000,000.00 BY THE

SB 1342, As Passed Senate, September 28, 2000

Senate Bill No. 1342 as amended September 26 and 28, 2000

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1 COMMISSION. FOLLOWING THE COMMISSION'S PROMULGATION OF RULES TO
IMPLEMENT THIS SECTION. IN DETERMINING WHETHER A PROVIDER HAS
VIOLATED

2 SUBSECTION (1), THE COMMISSION SHALL TAKE INTO ACCOUNT DELAYS

3 CAUSED BY EVENTS BEYOND THE PROVIDER'S CONTROL.

4 (4) IF A CUSTOMER'S SERVICE IS REPORTED OR OTHERWISE FOUND

5 TO BE OUT OF SERVICE AND THE OUTAGE REMAINS FOR MORE THAN 24

6 HOURS, THE PROVIDER SHALL MAKE THE FOLLOWING ADJUSTMENT TO THE

7 CUSTOMER'S NEXT BILL:

8 (A) IF THE OUTAGE WAS LESS THAN 72 HOURS, THE CUSTOMER SHALL

9 RECEIVE A CREDIT EQUAL TO THE PRORATED AMOUNT OF THE CUSTOMER'S

10 MONTHLY SERVICE RATE FOR THE TIME OF SERVICE OUTAGE.

11 (B) IF THE OUTAGE WAS 72 HOURS OR MORE, THE CUSTOMER SHALL

12 RECEIVE A CREDIT EQUAL TO THE PRORATED AMOUNT ALLOWED UNDER SUB-

13 DIVISION (A) AND A CREDIT EQUAL TO 3 TIMES THE PRORATED AMOUNT OF

14 THE CUSTOMER'S MONTHLY SERVICE RATE FOR ANY TIME GREATER THAN 72

15 HOURS.

16 (5) A PROVIDER THAT VIOLATES SUBSECTION (4) IS SUBJECT TO

17 THE PENALTY PROVISIONS OF SECTION 601.

18 (6) THE COMMISSION SHALL ORDER THAT ANY FINES IMPOSED UNDER

19 SUBSECTION (3) BE PAID BY THE PROVIDER IN THE FORM OF A REFUND AS

20 DETERMINED BY THE COMMISSION TO ALL CUSTOMERS WITHIN THE PROVIDERS'

21 SERVICE AREA.

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Senate Bill No. 1342 as amended September 28, 2000

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(7) THE COMMISSION SHALL PROMULGATE RULES TO IMPLEMENT AND

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ADMINISTER THIS ACT UNDER THE ADMINISTRATIVE PROCEDURES ACT OF

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1969, 1969 PA 306, MCL 24.201 TO 24.328.

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Enacting section 1. Section 213 of the Michigan telecommun-

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ications act, 1991 PA 179, MCL 484.2213, is repealed.