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Accessible Electronic Information Service for Blind and Disabled Persons

SF 1064
Metzen; Anderson; Scheid; Kleis; Belanger
HF 1214
Knoblach; Rukavina; Jaros; Wilkin; Gunther

What is it?

An Accessible Electronic Information Service makes it possible for blind individuals to gain access to the information in newspapers at the same time as their sighted colleagues, friends, and family members. Blind professionals, for example, can converse on relevant topics, no longer being under-informed about information critical to their professions or left out at social functions when the latest editorial is discussed. Beyond this, a wealth of other information primarily found in newspapers is also available to the blind on an equal footing, making possible their participation in the life of the community on the basis of equality.

The Internet provides sighted individuals access to thousands of newspapers and magazines with just a quick search. However, newspaper and magazine Web sites often contain only partial contents or require hefty subscription fees. In addition, a blind person needs expensive, special software and training to use a Web browser, and many cannot afford it.

This Accessible Electronic Information Service is the only system that brings the blind so much to choose from at the time when the subscriber wishes to read.

Material is read aloud by clear, computer-generated speech over a standard touch-tone telephone. No special equipment is needed. The service is available wherever a telephone is available, even on-the-go with a cellular telephone.

How does it work?

The State Services for the Blind division of the Department of Employment and Economic Development currently provides the components of an Accessible Electronic Information Service. The service is limited to people who are eligible for services under the Books for the Blind and Physically Handicapped program administered by the Library of Congress and the Minnesota Library for the Blind and Physically Handicapped (i.e., people who are blind, unable to use standard printed materials as a result of physical limitations, or reading-disabled). The current offerings are:

NFB-NEWSLINE®, developed and operated by the National Federation of the Blind (NFB, a nonprofit corporation), provides today’s, yesterday’s, and last Sunday’s editions of over 150 newspapers. This assortment includes nationally-prominent newspapers such as USA Today, The (over)

Voice of the Nation’s Blind
New York Times, the Washington Post, the Los Angeles Times, The Christian Science Monitor, and the Wall Street Journal. Minnesota newspapers are the Duluth News Tribune and the St. Paul Pioneer Press. Work is underway to include the Star Tribune. NFB-NEWSLINE® also provides magazines such as The New Yorker, The Economist, and AARP. A "local channel" is provided for special information and announcements provided by other organizations such as the National Federation of the Blind of Minnesota, the American Council of the Blind of Minnesota, and State Services for the Blind. NFB-NEWSLINE® is free-of-charge to readers and has toll-free access statewide. There currently are 650 registered readers for this service.

Dial-in News, developed and operated by State Services for the Blind, provides the Star Tribune, the St. Paul Pioneer Press, and City Pages. Dial-in News also provides detailed daily television listings and movie-theater listings. Dial-in News charges an $18/quarter subscription fee and has toll-free access only within the Metro free-calling area. Statewide access outside the Metro area requires a long-distance call. There currently are 88 registered readers for this service.

What's the cost?

The two services provided by State Services for the Blind have these costs:

<table>
<thead>
<tr>
<th>Cost</th>
<th>NFB-NEWSLINE®</th>
<th>Dial-in News</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract</td>
<td>$40,000</td>
<td>$0</td>
<td>$40,000</td>
</tr>
<tr>
<td>Download newspapers</td>
<td>0</td>
<td>11,100</td>
<td>11,100</td>
</tr>
<tr>
<td>Telephone lines</td>
<td>0</td>
<td>1,934</td>
<td>1,934</td>
</tr>
<tr>
<td>Staff salary and benefits</td>
<td>4,906</td>
<td>4,860</td>
<td>9,766</td>
</tr>
<tr>
<td>General overhead</td>
<td>491</td>
<td>1,789</td>
<td>2,280</td>
</tr>
<tr>
<td>Total</td>
<td>$45,397</td>
<td>$19,683</td>
<td>$65,080</td>
</tr>
</tbody>
</table>

The annual cost per reader is less than $100 — less than half the cost of a subscription to just the Star Tribune.

What's the problem?

The NFB-NEWSLINE® contract is currently funded by a grant from the Minnesota Department of Education under the provisions of the Library Services and Technology Act. However, that grant runs out on April 15. Services for the Blind does not have sufficient funds to continue the contract funding. Therefore, a permanent funding source must be found if blind and disabled people are to continue to have NFB-NEWSLINE® available in Minnesota.

What's the suggested solution?

This bill establishes permanent funding for this invaluable service by amending Chapters 237 and 248 to provide funding from the Telecommunications Access Minnesota (TAM) fund. The total cost of about $65,000 annually seems an inconsequential amount for such a service to people who cannot read print, and would not take anything away from the $8.6 million TAM access programs for the deaf.

For further information, contact Joyce Scanlan by phone at 612-920-0959 or e-mail at joyce.scanlan@earthlink.net.
S.F. No. 1064 - Accessible Electronic Information Service

Author: Senator James P. Metzen

Prepared by: Matthew S. Grosser, Senate Research (651/296-1890)

Date: March 1, 2005

The bill defines Accessible Electronic Information Service as news and other timely information provided to blind and disabled persons, and assigns to the Commissioner of Employment and Economic Development the duty of entering into an agreement to provide such services, allocating money from the Telecommunications Access Minnesota Fund for such services.

MG:cs
S.F. No. 1068 - Long-Distance Service Cancellation

Author: Senator D. Scott Dibble
Prepared by: Matthew S. Grosser, Senate Research (651/296-1890)
Date: March 1, 2005

The bill prohibits a telecommunications carrier from charging for long-distance service after a customer has cancelled that service or beyond the end of a fixed-term contract for such service. The bill also prohibits a telecommunications carrier from requiring a customer to contact their local telephone service provider in order to cancel their long-distance service.

MG:cs
RE: SF1068 - Long distance service charge prohibition after service cancellation

Dear Senator Dibble:

The following comments are submitted on behalf of AT&T Communications of the Midwest, Inc. ("AT&T") in regards to SF1068 dealing with long distance service charges after service cancellation.

AT&T agrees that a long distance carrier should cease to bill a customer once it receives a request from that customer to cancel service, however the long distance carrier should be given sufficient time to process such a disconnection request and be allowed to bill for usage while the disconnect order is pending. In addition, if a customer has a fixed term contract with the company, the customer should be liable for the term of the contract, but once the term of the contract has expired, a company should no longer bill for service if the customer has notified the company that it no longer wishes to receive services from the company.

AT&T’s primary concern with SF1068 lies with the provision that a long distance provider may not require a customer to contact the customer’s local telephone service provider in order for the customer to cancel long distance service with the carrier. The telecommunications network is structured such that the local service provider switch determines what carrier will provide long distance service to a customer. Since it was determined that a customer should have a choice of long distance providers, the process for a customer to choose its long distance provider has been for the customer to contact the local service provider and/or its long distance provider of choice to establish service. However, when a customer desires to change their long distance service from one provider to another, the customer may change service in one of three methods. Those methods are:
1. The customer contacts their local service provider, requests a change of their long distance provider and then selects a new long distance provider. The local service provider then sends a message to the old long distance provider and the new long distance provider of choice and billing is modified by each of the long distance providers;

2. The customer contacts their desired new long distance service provider and requests service. The new long distance provider sends a message to the local service provider to make the appropriate changes in the local switch. The local service provider executes the change request and then notifies both the new and old long distance service providers of the transaction. The new and old long distance providers modify their billing systems accordingly; or

3. The customer contacts their old long distance service provider and requests to cancel their long distance service. The old long distance service provider informs the customer that they will need to contact their local service provider to ensure uninterrupted service and to select a new long distance provider. The customer then contacts their local service provider as listed in 1. above.

SF1068, as written, would not allow method three to continue to exist. If a customer only calls its long distance provider and not its local service provider, in Minnesota today, there is no industry process whereby the long distance company may send a notice to the local service provider to discontinue the long distance service of that customer.

Even if the local exchange service providers in Minnesota changed their systems to support such a process, there are several unanswered questions and concerns. If the local service provider receives a long distance disconnect notification from the long distance provider, then the local service provider would only be able to change the customer choice of long distance provider to "NONE" (no carrier) until such time as the customer calls the local service provider to select a new long distance provider. The local service provider cannot select a long distance carrier choice for the customer without having discussions with the authorized customer for the telephone number. Once the local service provider changes the customer's choice of long distance provider to NONE, the customer will no longer be able to dial a 1+ long distance call because they will not have chosen a long distance carrier to handle those types of calls. This will force all 1+ long distance calls to be intercepted, with the customer being told that this type of call can not be completed. The only type of long distance call that could be made by a customer once they are placed in the NONE category for long distance is by using the 1010XXX protocol. Many customers are unaware of this dialing pattern and most long distance companies charge a premium for using this dialing protocol.

Along with the customer confusion on dialing patterns for long distance and the dissatisfaction of not being able to make any long distance calls once a customer goes into the NONE category for long distance, is the added expense to the local and long distance service providers. This type of policy has the potential to increase calls into the
customer service centers and/or repair centers for both the local and long distance providers. When a customer can not complete a 1+ long distance call they will be confused and angry. This policy will require the customer to make additional calls to either a long distance provider and/or their local service provider once they realize they no longer have the option of making long distance calls.

This type of policy also raises the question as to:

1. will customers think they have been “slammed” when they can no longer make long distance calls;
2. how will customers determine that they can “dial around” by using the 1010XXX dialing protocol; and
3. who is responsible for educating the customer on how and what they must do to be able to dial 1+ again for long distance or to dial long distance by using the 1010XXX dial protocol.

These questions do not have easy answers. The industry has struggled to ensure that customers have choice when it comes to telecommunications, with the least amount of confusion and disruption to the end user customer. The telecommunications networks were established in such a fashion that in order to accommodate customer choice, customers are required to make multiple calls if they choose more than one provider for local and long distance service. To require that a long distance company can no longer require a customer to contact their local service provider when they want to discontinue long distance service with one provider will only cause customer confusion and disruption.

In addition, the Federal Communications Commission (“FCC”) has been working with the industry to find solutions to these issues. The FCC just released its Report and Order in CC Docket No. 02-386 on February 25, 2005 dealing with the issues contained in SF1068. AT&T recommends that SF1068 not be adopted and that the FCC order be allowed to be implemented.

If you have questions or would like to discuss this further, please feel free to give me a call.

Sincerely,

Wauneta Browne

Wauneta Browne
COMMISSION ADOPTS RULES TO HELP ENSURE ACCURACY OF PHONE BILLS AND REDUCE SLAMMING PROBLEMS

Washington, DC – The Commission has adopted new rules that will help ensure that consumers’ phone service bills are accurate and that their carrier selection requests are honored and executed without undue delay. The rules specify a number of situations in which carriers must share customer information with each other.

This proceeding began with a Notice of Proposed Rulemaking released on March 25, 2004. It asked parties to address the magnitude of the billing problems ascribed to carriers’ failure to exchange customer account information among themselves in a complete and/or timely manner and whether the adoption of mandatory, minimum standards could significantly reduce the percentage of consumer complaints concerning billing errors.

Upon a review of the record, the Commission concluded that mandatory, minimum standards are needed to facilitate the exchange of customer account information between local exchange carriers (LECs) and interexchange carriers (IXCs). The Commission pointed to evidence demonstrating that information needed by carriers to execute customer requests in a timely and efficient manner and to properly bill customers was not being consistently provided by all LECs and by all IXCs.

Comments by a group of telephone companies reported, for example, that nearly 60 percent of approximately 3,065 wireline local service providers do not participate in any exchange of customer account information. As a result, on average, approximately 163.7 million calls per month (nearly two billion calls per year) are placed on their long distance networks by subscribers for whom the long distance provider has received no customer billing name and address information. The Commission noted that complaints to its own Consumer Centers also indicated continuing problems caused by lack of information sharing among companies.

Under the new rules, a LEC will be required to supply customer account information to an IXC when: (1) the LEC has placed an end user on the IXC’s network; (2) the LEC has removed an end user from the IXC’s network; (3) an end user that is presubscribed to the IXC makes certain changes to her account information via her LEC; (4) the IXC has requested billing, name and address (BNA) information for an end
user who has usage on the IXC’s network but for whom the IXC does not have an existing account; and (5) the LEC rejects an IXC-initiated order to change a customer’s presubscribed interexchange carrier (PIC). In addition, an IXC will be required to supply customer account information to a LEC when an end user contacts the IXC directly either to select or to remove the IXC as his PIC. The Commission also required carriers to provide the required notifications promptly and without unreasonable delay.

While the Commission specified what type of information must be shared, it did not specify the method carriers should use, allowing them to share customer account information pursuant to state-mandated data exchange requirements, privately negotiated agreements with other carriers, or voluntarily-established business rules, including the voluntary, industry-developed standards known as the Customer Account Record Exchange (CARE) process. This approach should minimize the potential costs or burdens associated with implementing the information sharing requirements, particularly for small and rural carriers.

The new rules recognize a carrier’s right to be compensated for the services it provides by ensuring that providers of long distance phone services receive proper notification when customers are placed on their networks.

The information sharing standards adopted today apply in situations involving an IXC and a LEC (or LECs). The Commission also issued a Further Notice of Proposed Rulemaking (FNPRM) seeking comment on whether they should be extended to situations in which consumers change LECs. The FNPRM specifically asked whether the Commission should require all local service providers to participate in the exchange of customer account information and if so, what information local service providers should be required to supply.

Action by the Commission February 10, 2005, by Report and Order and Further Notice of Proposed Rulemaking (FCC 05-29). Chairman Powell, Commissioners Abernathy, Copps, Martin and Adelstein, with Chairman Powell issuing a separate statement.

- FCC -

CGB contact: Lisa Boehley at (202) 418-7395.
CG Docket 02-386.
September 20, 2004

The Honorable John McCain
Chairman
Senate Committee on Commerce, Science and Transportation

The Honorable Joe Barton
Chairman
House of Representatives Committee on Energy and Commerce

The Honorable Fred Upton
Chairman
House of Representatives Subcommittee on Telecommunications and the Internet

Dear Chairmen:

Thank you for your interest in Wireless Directory Assistance (WDA). Provided below are responses to the questions you asked in your letter to me dated September 15, 2004.

As you are aware, there are more wireless telephone users now than at any time in history. Many wireless users, both residential users and businesses, wish to make their wireless telephone numbers available to others through directory assistance. Currently, there is no convenient method in place for wireless users to do that. To meet subscriber demand, Sprint is considering offering WDA. Although Sprint’s plans in this area are not yet finalized, Sprint commits that the following points will be at the core of any offering.

Question 1. If you offer wireless directory services, will your subscribers be given a choice of whether to have their numbers listed in a directory or not? If so, how would they exercise such choice (i.e. opt-in or opt-out), and would it vary depending on whether it was a new existing subscriber making the choice?

Answer: Wireless numbers will only be made available to WDA if a specific customer directs Sprint to make them available. This opt-in method will apply to both existing subscribers and to new subscribers. Subscribers’ telephone numbers will not be made available to WDA, by default. In addition, subscribers will be able to revoke their opt-in consent at any time.
Question 2. Do you plan to charge subscribers to keep their wireless number(s) unlisted?

Answer: Sprint does not plan to charge existing or new subscribers for keeping their number out of WDA listing. Also, Sprint has no plans to charge existing or new subscribers to remove their listing from WDA.

Question 3. Are your current terms of service with customers consistent with your responses to questions 1 and 2?

Answer: Subscriber consent will not be obtained through service contracts. Sprint's current subscriber contracts do not specifically address WDA. In all cases, subscribers will have to specifically direct Sprint to make their numbers available to WDA before Sprint will do so. Even if an older version of Sprint's service contract references directory assistance, Sprint will adhere to the commitments listed in response to questions 1 and 2.

Sprint believes that carrier WDA plans are consistent with important privacy objectives and will increase customer choices. Absent an effective opt-in WDA approach as Sprint has outlined above, inter-modal competition will be harmed and customers who only have a wireless phone and want to be reached will be needlessly out of touch. If you have any questions regarding this response or require further information, please contact Bill Barloon at 202-585-1928.

Sincerely,

Gary D. Forsee
March 4, 2005

The Honorable Senator Steve Kelley
Chair, Subcommittee on Telecommunications and Technology
Senate Committee on Jobs, Energy and Community Development
Minnesota State Legislature

RE: Senate File 640, Regulating Wireless Telephone Directories

Dear Senator Kelley and Members of the Subcommittee:

On behalf of Cingular Wireless, I am writing to respectfully oppose Senate File 640, which would place unnecessary regulations on carriers planning to offer wireless telephone directory opportunities to those customers who would benefit from this service. In fact, we are urging all states not to regulate wireless directory assistance so that we won’t be faced with a patchwork of state laws that make it impossible for us to offer this valuable service. Also, if we decide to offer this service, Cingular Wireless already plans to address the issues raised by this legislation, again making a state law unnecessary.

Here are the policies Cingular Wireless has established to protect customer privacy when, and if, wireless directory assistance is offered:

- Cingular customers will not be automatically entered into a wireless directory assistance database – customers will have to request to be listed.
- Cingular will not publish directory numbers or provide them to any third party.
- Cingular will not charge its customers to be included or excluded from the service.

As we explore the development of wireless directory assistance, we want to give our customers the choice of making their phone number available to directory assistance callers. For some customers, this service will be extremely valuable. Small business people and others whose livelihoods depend on being reachable will especially benefit from this service. For customers who don’t wish to be included in the directory, nothing will change. We will continue to keep their numbers private at no cost to them. The bottom line is that, if state legislation creates too many barriers to offering the service, we will be faced with not making it available to anyone.
Concerning Senate File 640, there are a number of provisions that are troublesome. For example, the requirement in Section 2, Subd. 1 (1) that we provide a separate notification to customers about not being listed in a wireless directory is not necessary. The requirements in Section 2, Subd. 2 for notifying new customers in a separate communication and then providing at least an annual notification thereafter is both unnecessary and overly burdensome. Again, we have established a policy to only include customers in the wireless directory if they request the service. The requirement to annually notify customers would only add cost and bureaucracy to providing the service. Imagine the cost of notifying thousands of customers each year about a service for which they do not have to sign up.

We would request that the Minnesota Legislature at least give us the opportunity to set up our opt-in systems for this nationally offered service before creating a state-specific system. If every state develops its own – and different – standards for customers to sign up for the service, it will be impossible to implement.

The requirements in Subd. 3 on call forwarding are also unnecessary. Again, customers who sign up for the service will want to receive calls generated from wireless directory assistance. Customers do not need to be troubled by an operator every time a call comes in on their wireless phone. In addition, creating the call-forward system described in Senate File 640 will likely be extremely expensive – increasing the cost of wireless directory assistance to the consumer.

We also want to emphasize that if customers decide they no longer want to be included in the directory, they can simply order us to remove their information and calls would no longer be directed to them from the directory going forward.

Subd. 4 deals with publishing the directory, and Subd. 5 concerns fees. We have addressed both these issues in our policies. We will not publish the directory and we will not charge to be included or excluded.

Thank you for considering these issues concerning Senate File 640. If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,

Dan Youmans
Director – External Affairs
Cingular Wireless
Senators Metzen, Anderson, Scheid, Kleis and Belanger introduced--
S.F. No. 1064: Referred to the Committee on Jobs, Energy and Community Development.

A bill for an act
relating to telecommunications; establishing an accessible electronic information service for blind and disabled persons; appropriating money; amending Minnesota Statutes 2004, section 237.52, subdivisions 2, 4; proposing coding for new law in Minnesota Statutes, chapter 248.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2004, section 237.52, subdivision 2, is amended to read:

Subd. 2. [ASSESSMENT.] The commissioner of commerce and the commissioner of employment and economic development shall annually recommend to the commission an adequate and appropriate surcharge and budget to implement sections 237.50 to 237.56 and 248.061, respectively. The Public Utilities Commission shall review the budget budgets for reasonableness and may modify the budget to the extent it is unreasonable. The commission shall annually determine the funding mechanism to be used within 60 days of receipt of the recommendation of the department departments and shall order the imposition of surcharges effective on the earliest practicable date. The commission shall establish a monthly charge no greater than 20 cents for each customer access line, including trunk equivalents as designated by the commission pursuant to section 403.11, subdivision 1.

Sec. 2. Minnesota Statutes 2004, section 237.52,
subdivision 4, is amended to read:

Subd. 4. [APPROPRIATION.] Money in the fund is appropriated to the commissioner of commerce to implement sections 237.51 to 237.56 and to the commissioner of employment and economic development to implement section 248.061.

Sec. 3. [248.061] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to sections 248.061 and 248.062.

Subd. 2. [ACCESSIBLE ELECTRONIC INFORMATION SERVICE.] "Accessible electronic information service" means news and other timely information, including newspapers, provided to eligible individuals from a multistate service center, using high-speed computers and telecommunications technology for acquisition of content and rapid distribution in a form appropriate for use by those individuals.

Subd. 3. [BLIND AND DISABLED PERSON.] "Blind and disabled person" means an individual who is eligible for library loan services through the Library of Congress and the State Library for the Blind and Physically Handicapped under Code of Federal Regulations, title 36, section 701.10, subsection (b).

Subd. 4. [COMMISSIONER.] "Commissioner" means the commissioner of employment and economic development.

Subd. 5. [QUALIFIED ENTITY.] "Qualified entity" means an agency, instrumentality, or political subdivision of the state or a nonprofit organization that:

(1) provides access for an eligible person to read daily newspapers through producing audio or Braille editions by computer;

(2) obtains electronic news text through direct transfer arrangements made with participating news organizations and does not replicate their electronic editions, which are otherwise available on the Internet; and

(3) provides a means of program administration and reader registration on the Internet.

Sec. 4. [248.062] [DUTIES OF COMMISSIONER.]

The commissioner must enter into an agreement with a
1 qualified entity to provide an accessible electronic information
2 service for blind and disabled persons. This service must be
3 planned for continuation from year to year.
To: Senator Anderson, Chair
Senator Kelley,
Chair of the Subcommittee on Telecommunications and Technology, to which was referred
S.F. No. 1064: A bill for an act relating to telecommunications; establishing an accessible electronic information service for blind and disabled persons; appropriating money; amending Minnesota Statutes 2004, section 237.52, subdivisions 2, 4; proposing coding for new law in Minnesota Statutes, chapter 248.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, delete "248.061" and insert "248.062"
Page 1, line 17, after the period, insert "The maximum annual budget to implement section 248.062 may not exceed $100,000."

Page 2, line 12, delete "multistate"
Page 2, delete line 16 and insert:
"Subd. 3. [ELIGIBLE INDIVIDUAL.] "Eligible individual"
Page 2, line 17, delete everything before "means"
Page 2, line 26, delete "person" and insert "individual"
Page 2, line 28, after the semicolon, insert "or"
Page 2, delete lines 29 to 32
Page 2, line 33, delete "(3)" and insert "(2)"
Page 2, line 36, delete "an agreement" and insert "agreements" and delete "a"
Page 3, line 1, delete "entity" and insert "entities"
Page 3, line 2, delete "blind and disabled persons" and insert "eligible individuals"
Page 3, after line 3, insert:
"Sec. 5. [EFFECTIVE DATE.]
Sections 1 to 4 are effective the day following final enactment and apply to the budget for Minnesota Statutes, section 248.062, for services provided after April 15, 2005."

And when so amended that the bill be recommended to pass and be referred to the full committee.

March 4, 2005

(Date of Subcommittee action)
1 Senator ..... moves to amend S.F. No. 640 as follows:
2 Page 3, line 36, after "A" insert "person, including a"
Senators Dibble and Kelley introduced--
S.F. No. 1068: Referred to the Committee on Jobs, Energy and Community Development.

A bill for an act
relating to telecommunication; charges after
cancellation; amending Minnesota Statutes 2004,
section 237.74, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2004, section 237.74, is
amended by adding a subdivision to read:

Subd. 14. [CANCELLATION OF LONG DISTANCE SERVICE.] (a) A
telecommunications carrier providing long distance service may
not charge a customer for long distance service after the
customer has requested that carrier to cancel the customer's
long distance service.

(b) Notwithstanding the limitation on charges in paragraph
(a), if a customer with a fixed term contract requests that a
telecommunications carrier providing long distance service
cancel that customer's long distance service, the
telecommunications carrier may charge the customer for long
distance service until the end of the contract term but not
after the end of the contract term.

(c) A telecommunications carrier providing long distance
service may not require a customer to contact the customer's
local telephone service provider in order for the customer to
cancel long distance service with the carrier.
Senators Dibble and Kelley introduced--
S.F. No. 640: Referred to the Committee on Jobs, Energy and Community Development.

A bill for an act
relating to consumer protection; regulating the
creation and maintenance of wireless directory
assistance service databases; protecting consumer
privacy; proposing coding for new law in Minnesota
Statutes, chapter 325E.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [325E.317] [DEFINITIONS.]
Subdivision 1. [SCOPE.] For purposes of this section and
section 325E.318, the terms defined in subdivisions 2 to 7 have
the meanings given them.

Subd. 2. [CALLING PARTY'S IDENTITY.] "Calling party's
identity" means the telephone number of the calling party or the
name of the subscriber to the telephone, or an oral or text
message that provides sufficient information to enable a
commercial mobile services subscriber to determine who is
calling.

Subd. 3. [CURRENT SUBSCRIBER.] "Current subscriber" means
any subscriber to commercial mobile service as of the date when
a wireless directory assistance is implemented by a provider of
commercial mobile service.

Subd. 4. [NEW SUBSCRIBER.] "New subscriber" means any
subscriber to commercial mobile service who becomes a subscriber
after the date when a wireless directory assistance service is
implemented by a provider of commercial mobile service, and
includes any subscriber of a different provider of commercial

Section 1
mobile service who subsequently switches to a new provider of
commercial mobile service.

Subd. 5. [UNLISTED COMMERCIAL MOBILE SERVICES
SUBSCRIBER.] "Unlisted commercial mobile services subscriber"
means:
(1) a current subscriber to commercial mobile services who
has not provided express prior consent to a commercial mobile
service provider to be included in a wireless directory
assistance service database; and
(2) a new subscriber to commercial mobile service who has
exercised the right contained in section 325E.318, subdivision
2, clause (2), to decline or refuse inclusion in a wireless
directory assistance database.

Subd. 6. [WIRELESS DIRECTORY ASSISTANCE
SERVICE.] "Wireless directory assistance service" means any
service for connecting calling parties to a subscriber of
commercial mobile service when the calling parties themselves do
not possess the subscriber's wireless telephone number
information.

Subd. 7. [WIRELESS TELEPHONE NUMBER
INFORMATION.] "Wireless telephone number information" means the
telephone number, electronic address, and any other identifying
information by which a calling party may reach a subscriber to
commercial mobile services, and which is assigned by a
commercial mobile service provider to the subscriber, and
includes the subscriber's name and address.

Sec. 2. [325E.318] [WIRELESS CONSUMER PRIVACY PROTECTION.]
Subdivision 1. [CURRENT SUBSCRIBERS.] A provider of
commercial mobile services, or any direct or indirect affiliate
or agent of a provider, may not include the wireless telephone
number information of any current subscriber in any wireless
directory assistance service database unless:
(1) the mobile service provider provides a conspicuous,
separate notice to the subscriber informing the subscriber of
the right not to be listed in any wireless directory assistance
service; and

Section 2
(2) the mobile service provider obtains express prior authorization for listing from the subscriber, separate from any authorization obtained to provide the subscriber with commercial mobile service, or any calling plan or service associated with the commercial mobile service, and the authorization has not been subsequently withdrawn.

Subd. 2. [NEW SUBSCRIBERS.] A provider of commercial mobile services, or any direct or indirect affiliate or agent of such a provider, may include the wireless telephone number information of any new subscriber in a wireless directory assistance service database only if the commercial mobile service provider:

(1) provides a conspicuous, separate notice to the subscriber, at the time of entering into an agreement to provide commercial mobile service, and at least once a year thereafter, informing the subscriber of the right not to be listed in any wireless directory assistance service database; and

(2) provides the subscriber with convenient mechanisms by which the subscriber may decline or refuse to participate in the database, including mechanisms at the time of entering into an agreement to provide commercial mobile service, in the billing of the service, and when receiving any connected call from a wireless directory assistance service.

Subd. 3. [CALL FORWARDING.] A provider of commercial mobile services, or any direct or indirect affiliate or agent of the provider, may connect a calling party from a wireless directory assistance service to a commercial mobile service subscriber only if:

(1) the subscriber is provided prior notice of the calling party's identity and is permitted to accept or reject the incoming call on a per call basis;

(2) the subscriber's wireless telephone number information is not disclosed to the calling party; and

(3) the subscriber is not an unlisted commercial mobile service subscriber.

Subd. 4. [PUBLICATION OF DIRECTORIES PROHIBITED.] A
provider of commercial mobile services, or any direct or indirect affiliate or agent of a provider, may not publish, in printed, electronic, or other form, the contents of any wireless directory assistance service database, or any portion or segment of it.

Subd. 5. [NO CONSUMER FEE FOR RETAINING PRIVACY.] A provider of commercial mobile services may not charge any subscriber for exercising any of the rights under this subdivision.
A bill for an act
relating to consumer protection; regulating wireless
telephone directories; protecting consumer privacy;
proposing coding for new law in Minnesota Statutes,
chapter 325F.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [325F.6951] [DEFINITIONS.]

Subdivision 1. [CALLING PARTY'S IDENTIY.] "Calling
calling party's identity" means the telephone number of the calling
party or the name of the customer to the telephone, or an oral
or text message that provides sufficient information to enable a
wireless telecommunications services customer to determine who
is calling.

Subd. 2. [PROVIDER.] "Provider" means a provider of
wireless telecommunications services.

Subd. 3. [TELECOMMUNICATIONS SERVICES.] "Telecommunications services" has the meaning given
in section 297A.61, subdivision 24, paragraph (a).

Subd. 4. [WIRELESS DIRECTORY ASSISTANCE SERVICE.] "Wireless directory assistance service" means any
service for connecting calling parties to a wireless
telecommunications services customer when the calling parties
themselves do not possess the customer's wireless telephone
number information.

Subd. 5. [WIRELESS TELECOMMUNICATIONS SERVICES.] "Wireless
telecommunications services" has the meaning given in section 325F.695.

Subd. 6. [WIRELESS TELEPHONE DIRECTORY.] "Wireless
telephone directory" means a directory or database containing
wireless telephone number information or any other identifying
information by which a calling party may reach a wireless
telecommunications services customer.

Subd. 7. [WIRELESS TELEPHONE NUMBER
INFORMATION.] "Wireless telephone number information" means the
telephone number, electronic address, and any other identifying
information by which a calling party may reach a wireless
telecommunications services customer, which is assigned by a
provider to the customer and includes the customer's name and
address.

Sec. 2. [325F.6952] [WIRELESS TELEPHONE DIRECTORY.]
Subdivision 1. [NOTICE.] (a) A provider, or any direct or
indirect affiliate or agent of a provider, may not disclose,
provide, or sell a customer's wireless telephone information for
inclusion in a wireless telephone directory of any form, and may
not sell a wireless telephone directory containing a customer's
wireless telephone number information without first providing a
customer with a conspicuous, separate notice that unambiguously
discloses that:

(1) by providing prior express authorization, a customer
consents to allow a provider to sell the customer's wireless
telephone number information for inclusion in a wireless
telephone directory; and

(2) if permitted under the customer's contract with a
provider, the customer may be billed for receiving unsolicited
calls or text messaging.

(b) The notice must state that the customer has the right
not to be listed in any wireless telephone directory and that no
fee may be charged to a subscriber for choosing not to be listed.

(c) The provider must send the notice to all customers once
a year and to new customers within 30 days of the date of the
contract for wireless telecommunications services.

Section 2
Subd. 2. [AUTHORIZATION.] (a) A provider, or any direct or
direct or indirect affiliate or agent of a provider, may not disclose,
provide, or sell a customer's wireless telephone information for
inclusion in a wireless telephone directory of any form, and may
not sell a wireless telephone directory containing a customer's
wireless telephone number information without first receiving
prior express authorization from the customer.

(b) The customer must indicate in the authorization whether
only the customer's name and telephone number are authorized to
be included in a wireless telephone directory, or whether
additional information, including the customer's physical
address, e-mail address, ENUM, and any other identifying
information by which a calling party may reach a customer, is
also authorized to be included. For purposes of this paragraph,
"ENUM" means the technology that enables a user to store contact
information that can be accessed by another person through the
use of one telephone number.

(c) A provider meets the prior express authorization
requirement of this section only if it obtains a customer's
written authorization in the form of a letter of agency, a
customer's oral authorization verified by an independent third
party, or a copy of an e-mail notice of verification as
described in clause (3).

(1) If a provider obtains a customer's written
authorization in the form of a letter of agency, it must be a
separate or easily separable document. The sole purpose of the
letter of agency is to authorize the provider to provide the
customer's wireless telephone number information for inclusion
in a directory. The letter of agency must be clearly legible,
contain clear and unambiguous language, and must be signed
and dated by the customer.

(2) A customer's oral authorization must be verified by an
independent third-party verifier. The verification is valid
only if:

(i) the independent third party confirms the customer's
identity with information unique to the customer, unless the
customer refuses, which fact must be noted; and

(ii) the independent third party informs the customer that the customer is agreeing to authorize the provider to provide the customer's wireless telephone number information for inclusion in a wireless telephone directory, which may result in additional billing to the customer for receiving unsolicited calls or text messaging.

(3) If a customer enters a contract via the Internet with a provider for wireless telephone service, the third-party service provider must, within 48 hours of receiving the customer's authorization, send the customer, via e-mail, a notice of verification confirming the authorization.

(4) The provider shall maintain a record of the customer's express authorization for the duration of the contract by retaining a copy of the letter of agency, documentation of the oral verification, or the notice of verification, as appropriate.

(d) A customer may revoke the express prior authorization provided under this subdivision at any time by written authorization, oral authorization verified by an independent third-party verifier, or via the Internet, utilizing the procedures in paragraph (c). A provider must comply with a customer's request to revoke the customer's express prior authorization within 60 days of the request.

Subd. 3. [EXCEPTIONS.] This section does not apply to the provision of a customer's assigned wireless telephone number information in order to implement a customer's request to transfer the customer's assigned telephone number from the customer's existing provider to a new telecommunications services provider.

Sec. 3. [325F.6953] [CALL FORWARDING.]

A provider, or any direct or indirect affiliate or agent of a provider, may connect a calling party from a wireless directory assistance service to a customer who has given the provider prior express authorization to provide the customer's wireless telephone number information for inclusion in a wireless telephone directory only if:

Section 3
the customer is provided prior notice of the calling
party's identity and is permitted to accept or reject the
incoming call on a per-call basis; and

(2) the customer's wireless telephone number information is
not disclosed to the calling party.

Sec. 4. [325F.6954] [NO FEE TO RETAIN PRIVACY.]
A provider may not charge a customer for exercising any of
the rights under sections 325F.6952 to 325F.6955.

Sec. 5. [325F.6955] [REMEDIES.]
A person found to have violated sections 325F.6952 to
325F.6954 is subject to the penalties and remedies as provided
in section 8.31, excluding a private right of action to recover
damages, as set forth in section 8.31, subdivision 3a.

Sec. 6. [EFFECTIVE DATE.]
Sections 1 to 5 are effective the day following final
enactment.
Senator ..... moves to amend S.F. No. 1353 as follows:

Page 5, line 12, delete everything after "8.31" and insert a period

Page 5, delete line 13