

SENATE BILL No. 636

October 22, 2013, Introduced by Senator NOFS and referred to the Committee on Energy and Technology.

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending sections 304, 310, 313, 315, 317, 320, and 502 (MCL 484.2304, 484.2310, 484.2313, 484.2315, 484.2317, 484.2320, and 484.2502), sections 304, 313, 315, and 502 as amended by 2011 PA 58, section 310 as amended by 2009 PA 182, section 317 as amended by 2005 PA 235, and section 320 as added by 1995 PA 216.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 304. (1) A call made to a local calling area adjacent to
2 the caller's local calling area is considered a local call and
3 shall be billed as a local call. Effective December 31, 2007, a
4 call made to a called party who is not located within the
5 geographic area of the caller's local calling area or an adjacent
6 local calling area as defined by the commission's order in case

1 numbers U-12515 and U-12528, dated February 5, 2001, is not a local
2 call if the tariff, **SERVICE GUIDE, OR SIMILAR DOCUMENT CONTAINING**
3 **THE TERMS AND CONDITIONS** of the provider originating the call does
4 not classify the call as a local call.

5 (2) A provider of basic local exchange service with less than
6 10,000 end-users in this state may determine that their total
7 service long run incremental cost is the same as that of a provider
8 with more than 250,000 end-users.

9 Sec. 310. (1) Except as provided by this section, the
10 commission shall not review or set the rates for toll access
11 services.

12 (2) A provider of toll access services shall set the rates for
13 intrastate switched toll access services at rates that do not
14 exceed the rates allowed for the same interstate services by the
15 federal government and shall use the access rate elements for
16 intrastate switched toll access services that are in effect for
17 that provider and are allowed for the same interstate services by
18 the federal government. Eligible providers shall comply with this
19 subsection as of the date established for the commencement of the
20 operation of the restructuring mechanism under subsection (9).
21 Providers other than eligible providers shall not charge intrastate
22 toll access service rates in excess of those rates in effect as of
23 July 1, 2009 and shall reduce the differential, if any, between
24 intrastate and interstate switched toll access service rates in
25 effect as of July 1, 2009 in no more than 5 steps of at least 20%
26 each of the differential on the following dates: January 1, 2011;
27 January 1, 2012; January 1, 2013; January 1, 2014; and January 1,

1 2015. Providers may agree to a rate that is less than the rate
2 allowed by the federal government.

3 (3) Two or more providers that each have less than 250,000
4 access lines may agree to joint toll access service rates and
5 pooling of intrastate toll access service revenues.

6 (4) A provider of toll access services shall make available
7 for intrastate access services any technical interconnection
8 arrangements, including colocation required by the federal
9 government for the identical interstate access services.

10 (5) A provider of toll access service, whether under tariff or
11 contract, shall offer the services under the same rates, terms, and
12 conditions, without unreasonable discrimination, to all providers.
13 All pricing of special toll access services and switched access
14 services, including volume discounts, shall be offered to all
15 providers under the same rates, terms, and conditions.

16 (6) If a toll access service rate is reduced, then the
17 provider receiving the reduced rate shall reduce its rate to its
18 customers by an equal amount. The commission may investigate and
19 ensure that the provider has complied with this subsection.

20 (7) In order to restructure intrastate switched toll access
21 service rates, there is hereby established in the department of
22 ~~energy, labor, and economic growth~~ **LICENSING AND REGULATORY AFFAIRS**
23 an intrastate switched toll access rate restructuring mechanism as
24 a separate interest-bearing fund. The state treasurer shall direct
25 the investment of the restructuring mechanism. Money in the
26 restructuring mechanism shall remain in the restructuring mechanism
27 at the close of the fiscal year and shall not revert to the general

1 fund.

2 (8) An eligible provider is entitled to receive monthly
3 disbursements from the restructuring mechanism as provided in
4 subsection (11) in order to recover the lost intrastate switched
5 toll access service revenues resulting from rate reductions under
6 subsection (2).

7 (9) The restructuring mechanism shall be administered by the
8 commission. The restructuring mechanism shall be established and
9 shall begin operation ~~within 270 days after the effective date of~~
10 ~~the amendatory act that added this subsection.~~ **BY SEPTEMBER 13,**
11 **2010.** Subject to the preceding sentence, the commission shall
12 establish the date for commencing the operation of the
13 restructuring mechanism and shall notify the participants in the
14 restructuring mechanism at least 30 days in advance of that date.
15 The commission shall recover its actual costs of administering the
16 restructuring mechanism from assessments collected for the
17 operation of the restructuring mechanism.

18 (10) The commission shall establish the procedures and
19 timelines for organizing, funding, and administering the
20 restructuring mechanism. The commission shall report to the
21 legislature and the governor annually regarding the administration
22 of the restructuring mechanism. The report shall include the total
23 amount of money collected from contributing providers, the total
24 amount of money disbursed from the restructuring mechanism annually
25 to each eligible provider, the costs of administration, and any
26 other information considered relevant by the commission. Any
27 company-specific information pertaining to access lines, switched

1 toll access services minutes of use, switched toll access demand
2 quantities, contributions, and intrastate telecommunications
3 services revenues submitted to the commission under this subsection
4 are confidential commercial or financial information and exempt
5 from public disclosure ~~pursuant to~~ **UNDER** section 210.

6 (11) The initial size of the restructuring mechanism shall be
7 calculated as follows:

8 (a) ~~Within 60 days of the effective date of the amendatory act~~
9 ~~that added this subsection~~ **BY FEBRUARY 15, 2010** each eligible
10 provider shall submit to the commission information and all the
11 supporting documentation that establishes the amount of the
12 reduction in annual intrastate switched toll access revenues ~~which~~
13 **THAT** will result from the reduction in rates required in subsection
14 (2). The reduction shall be calculated for each eligible provider
15 as the difference between intrastate and interstate switched toll
16 access service rates in effect as of July 1, 2009, multiplied by
17 the intrastate switched access minutes of use and other switched
18 access demand quantities for the calendar year 2008.

19 (b) The commission shall compute the size of the initial
20 restructuring mechanism disbursements for each eligible provider
21 and shall inform each eligible provider of that computation within
22 60 days after receiving the information and supporting
23 documentation from the eligible providers under subdivision (a).

24 (12) The restructuring mechanism shall be created and
25 supported by a mandatory monthly contribution by all providers of
26 retail intrastate telecommunications services and all providers of
27 commercial mobile service. Interconnected voice over internet

1 protocol services shall not be considered an intrastate
2 telecommunications service for the purposes of this section and
3 interconnected voice over internet protocol service providers shall
4 not be required to pay, directly or indirectly, the mandatory
5 monthly contributions established in this subsection. A provider of
6 telecommunications services to a provider of interconnected voice
7 over internet protocol services shall not pay a mandatory monthly
8 contribution related to those interconnected voice over internet
9 protocol services or attempt to pass through any mandatory monthly
10 contributions, directly or indirectly, to a provider of
11 interconnected voice over internet protocol services. Nothing in
12 this act grants the commission authority over commercial mobile
13 service providers or voice over internet protocol service providers
14 except as is strictly necessary for administration of the
15 restructuring mechanism.

16 (13) ~~Within 60 days of the effective date of the amendatory~~
17 ~~act that added this subsection, BY FEBRUARY 15, 2010,~~ each
18 contributing provider shall report its 2008 intrastate retail
19 telecommunications services revenues to the commission.
20 Notwithstanding anything in subsection (12), if the federal
21 communications commission determines that interconnected voice over
22 internet protocol services may be subject to state regulation for
23 universal services purposes, the commission may open a proceeding
24 to determine who is required to participate in a universal service
25 fund.

26 (14) The initial contribution assessment percentage shall be a
27 uniform percentage of retail intrastate telecommunications services

1 revenues determined by projecting the total amount necessary to
2 cover the initial intrastate switched toll access rate
3 restructuring mechanism disbursement levels for 12 months,
4 including projected cash reserve requirements, actual and projected
5 administrative costs, and projected uncollectible contribution
6 assessments, divided by the 2008 calendar year total retail
7 intrastate telecommunications services revenues in this state, less
8 projected uncollectible revenues, reported to the commission. The
9 commission shall issue an order establishing the initial
10 calculation of the contribution assessment percentage ~~within 150~~
11 ~~days of the effective date of the amendatory act that added this~~
12 ~~subsection.~~ **BY MAY 16, 2010.** The commission may increase or
13 decrease the contribution assessment on a quarterly or other basis
14 as necessary to maintain sufficient funds for disbursements.

15 (15) Each contributing provider shall remit to the commission
16 on a monthly basis an amount equal to its intrastate retail
17 telecommunications services revenues, less uncollectible revenues,
18 multiplied by the contribution assessment percentage determined
19 under subsection (14), according to a time frame established by the
20 commission. These contributions shall continue until the end of the
21 period for which eligible providers are entitled to receive monthly
22 disbursements from the restructuring mechanism under subsections
23 (11) and (16).

24 (16) The commission shall recalculate the size of the
25 restructuring mechanism for each eligible provider ~~4 years from the~~
26 ~~date the initial restructuring mechanism becomes operational~~
27 ~~pursuant to subsection (9) and again 4 years thereafter.~~ **ON MARCH**

1 13, 2018. The recalculation process shall be as follows:

2 (a) The restructuring mechanism shall be recalculated ~~each~~
3 ~~time~~ as the difference between the intrastate switched toll access
4 rates in effect as of July 1, 2009 and the interstate switched toll
5 access rates in effect at the time of the recalculation, multiplied
6 by the intrastate switched toll access minutes of use and other
7 switched access demand quantities for the calendar year 2008.

8 (b) The recalculated restructuring mechanism shall be further
9 adjusted during the ~~first~~ recalculation by the percentage change,
10 if any, in the number of access lines in service for each eligible
11 provider from December 31, 2008 to December 31 of the year
12 immediately preceding the year in which the adjustment is made.

13 ~~—— (c) The recalculated restructuring mechanism shall be adjusted~~
14 ~~during the second recalculation by the percentage change, if any,~~
15 ~~in the number of access lines in service for each eligible provider~~
16 ~~from December 31 of the year of the first recalculation to December~~
17 ~~31 of the year immediately preceding the second recalculation.~~

18 (C) ~~(d)~~ Each eligible provider is entitled to receive monthly
19 disbursements from the restructuring mechanism for a period of no
20 more than 12 years from the date the restructuring mechanism is
21 established under subsection (9), at which time the restructuring
22 mechanism shall cease to exist.

23 (17) The money received and administered by the commission for
24 the support and operation of the restructuring mechanism created by
25 ~~the amendatory act that created this subsection~~ **2009 PA 182** shall
26 not be used by the commission or any department, agency, or branch
27 of the government of this state for any other purpose, and that

1 money is not subject to appropriation, allocation, assignment,
2 expenditure, or other use by any department, agency, or branch of
3 the government of this state.

4 (18) If the federal government adopts intercarrier
5 compensation reforms or takes any action that causes or requires a
6 significant change in interstate switched toll access service
7 rates, the commission may initiate, or any interested party may
8 file an application for, a proceeding ~~pursuant to~~ **UNDER** section 203
9 within 60 days of that action to determine whether any
10 modifications to the size, operation, or composition of the
11 restructuring mechanism are warranted. During the pendency of that
12 proceeding, the requirement in subsection (2) for eligible
13 providers to set intrastate switched toll access service rates
14 equal to interstate switched toll access service shall be
15 temporarily suspended by those providers. Intrastate access rates
16 may not be increased above the levels that exist at the time of the
17 suspension. Following notice and hearing, upon a showing of good
18 cause, the commission may stop or place certain conditions on the
19 temporary suspension.

20 (19) If the federal government changes the federal universal
21 service contribution methodology so that it is not based on a
22 percentage of total interstate telecommunications services
23 revenues, the commission shall modify the contribution methodology
24 for the restructuring mechanism to be consistent with the federal
25 methodology. The commission shall initiate a proceeding to modify
26 the contribution methodology for the restructuring mechanism and to
27 establish a reasonable time period for transition to the new

1 contribution methodology.

2 (20) Disputes arising under this section may be submitted to
3 the commission for resolution ~~pursuant to~~ **UNDER** sections 203 and
4 204.

5 (21) If any contributing provider subject to this section
6 fails to make the required contributions or fails to provide
7 required information to the commission, the commission shall
8 initiate an enforcement proceeding under section 203. If the
9 commission finds that a contributing provider has failed to make
10 contributions or to perform any act required under this section, a
11 contributing provider ~~shall be~~ **IS** subject to the remedies and
12 penalties under section 601.

13 (22) Eligible providers and contributing providers shall
14 provide information to the commission that is required for the
15 administration of the restructuring mechanism. Company-specific
16 information pertaining to access lines, switched toll access
17 services minutes of use, switched toll access demand quantities,
18 contributions, and intrastate telecommunications services revenues
19 submitted to the commission under this subsection is confidential
20 commercial or financial information and exempt from public
21 disclosure ~~pursuant to~~ **UNDER** section 210.

22 (23) As used in this section:

23 (a) "Commercial mobile service" means that term as defined in
24 section 332(d)(1) of the telecommunications act of 1996, 47 USC
25 332.

26 (b) "Contributing provider" means an entity required to pay
27 into the restructuring mechanism.

1 (c) "Eligible provider" means an incumbent local exchange
2 carrier as defined in section 251 of the telecommunications act of
3 1996, 47 USC 251, that as of January 1, 2009 had rates for
4 intrastate switched toll access services higher than its rates for
5 the same interstate switched toll access services, and that
6 provides the services and functionalities identified by rules of
7 the federal communications commission described at 47 CFR
8 54.101(a).

9 (d) "Interconnected voice over internet protocol service"
10 means that term as defined in 47 CFR 9.3.

11 (e) "Restructuring mechanism" means the intrastate switched
12 toll access rate restructuring mechanism established in this
13 section.

14 Sec. 313. (1) A telecommunication provider that provides
15 either basic local exchange or toll service, or both, shall not
16 discontinue either service to an exchange unless 1 or more
17 alternative providers for toll service, or 2 or more alternative
18 providers for basic local exchange service, are furnishing a
19 comparable voice service to the customers in the exchange. A
20 comparable voice service includes any 2-way voice service offered
21 through any form of technology that is capable of placing and
22 receiving calls from a provider of basic local exchange service,
23 including voice over internet protocol services and wireless
24 services.

25 (2) A telecommunication provider proposing to discontinue a
26 regulated service to an exchange shall file a notice of the
27 discontinuance of service with the commission, publish the notice

1 in a newspaper of general circulation within the exchange, provide
2 notice to each of its customers within the exchange by first-class
3 mail or within customer bills, and provide other reasonable notice
4 as required by the commission.

5 (3) Within 60 days after the date of publication or receipt of
6 the notice required by subsection (2), a person or other
7 telecommunication provider affected by a discontinuance of services
8 by a telecommunication provider may apply to the commission to
9 determine if the discontinuance of service is authorized under this
10 act. Within 90 days after the date of publication of the notice
11 required by subsection (2), the commission may, in response to a
12 request or on its own initiative, commence a proceeding to
13 determine if the discontinuance of service is authorized under this
14 act. The commission has 180 days from the date any proceeding is
15 initiated under this subsection to issue its final order. A
16 provider shall not discontinue service unless it has provided at
17 least 60 days' notice to each customer after a commission order has
18 been issued under this subsection or after the last day for
19 initiating a proceeding under this subsection.

20 (4) Discontinuance of basic local exchange service under this
21 section by an incumbent local exchange carrier does not affect the
22 requirements of that incumbent local exchange carrier under federal
23 law. As used in this subdivision, "incumbent local exchange
24 carrier" means that term as defined in section 251(h) of the
25 telecommunications act of 1996, 47 USC 251. **THIS SECTION DOES NOT**
26 **CREATE, RESTRICT, OR EXPAND THE COMMISSION'S JURISDICTION AND**
27 **AUTHORITY FOR ANY OF THE FOLLOWING:**

1 (A) THE JURISDICTION AND AUTHORITY ESTABLISHED UNDER SECTION
2 201.

3 (B) THE JURISDICTION AND AUTHORITY TO CARRY OUT THE
4 COMMISSION'S OBLIGATIONS TO ENFORCE THE RIGHTS, DUTIES, AND
5 OBLIGATIONS OF AN ENTITY ESTABLISHED IN SECTIONS 251 AND 252 OF THE
6 TELECOMMUNICATIONS ACT OF 1996, 47 USC 251 AND 252, ANY APPLICABLE
7 AGREEMENT OR WHOLESALE TARIFF OR STATE LAW, RULE, REGULATION, OR
8 ORDER RELATED TO WHOLESALE RIGHTS, DUTIES, AND OBLIGATIONS,
9 INCLUDING, BUT NOT LIMITED TO, INTERCONNECTION AND EXCHANGE VOICE
10 TRAFFIC.

11 (C) THE JURISDICTION AND AUTHORITY TO REGULATE SWITCHED ACCESS
12 RATES, TERMS, AND CONDITIONS, INCLUDING THE IMPLEMENTATION OF
13 FEDERAL OR STATE LAW CONCERNING INTERCARRIER COMPENSATION.

14 (5) SUBSECTIONS (1) TO (3) DO NOT APPLY AFTER DECEMBER 31,
15 2016. BEGINNING JANUARY 1, 2017, A TELECOMMUNICATIONS PROVIDER THAT
16 PROVIDES BASIC LOCAL EXCHANGE OR TOLL SERVICE MAY DISCONTINUE THAT
17 SERVICE IN AN EXCHANGE BY DOING ALL OF THE FOLLOWING AT LEAST 90
18 DAYS BEFORE DISCONTINUING SERVICE:

19 (A) FILING A NOTICE OF THE DISCONTINUANCE OF SERVICE WITH THE
20 COMMISSION.

21 (B) PUBLISHING A NOTICE OF THE DISCONTINUANCE OF SERVICE IN A
22 NEWSPAPER OF GENERAL CIRCULATION WITHIN THE EXCHANGE.

23 (C) PROVIDING NOTICE OF THE DISCONTINUANCE OF SERVICE TO EACH
24 OF THE TELECOMMUNICATIONS PROVIDER'S CUSTOMERS WITHIN THE EXCHANGE
25 BY FIRST-CLASS MAIL OR WITHIN CUSTOMER BILLS.

26 (D) PROVIDING NOTICE TO ANY INTERCONNECTING TELECOMMUNICATIONS
27 PROVIDERS BY FIRST-CLASS MAIL OR OTHER NOTICE PERMITTED UNDER THE

1 **TERMS OF THE INTERCONNECTION AGREEMENT BETWEEN THE PROVIDERS.**

2 Sec. 315. (1) ~~The commission shall require each~~ **EACH** provider
3 of basic local exchange service ~~to~~ **SHALL** provide a text telephone-
4 telecommunications device for the deaf at cost to each individual
5 who is certified as deaf or hard of hearing or speech-impaired by a
6 licensed physician, licensed audiologist, or qualified state
7 agency, and to each public safety answering point as defined in
8 section 102 of the emergency 9-1-1 service enabling act, 1986 PA
9 32, MCL 484.1102.

10 (2) ~~The commission shall require each~~ **EACH** provider of basic
11 local exchange service ~~to~~ **SHALL** provide a telecommunication relay
12 service whereby persons using a text telephone-telecommunications
13 device for the deaf can communicate with persons using a voice
14 telephone through the use of third party intervention or automated
15 translation. Each provider of basic local exchange service shall
16 determine whether to provide a telecommunication relay service on
17 its own, jointly with other basic local exchange providers, or by
18 contract with other telecommunication providers. ~~The commission~~
19 ~~shall determine the technical standards and essential features of~~
20 ~~text telephone and telecommunication relay service to ensure their~~
21 ~~compatibility and reliability.~~

22 (3) Rates and charges for calls placed through a
23 telecommunication relay service shall not exceed the rates and
24 charges for calls placed directly from the same originating
25 location to the same terminating location. ~~Unless ordered by the~~
26 ~~commission, a~~ **A** provider of a telecommunications relay service
27 ~~shall~~ **IS** not ~~be~~ required to handle calls from public telephones

1 except for calls charged collect or to cash, a credit card, or a
2 third party number.

3 (4) Notwithstanding any other provision of this act, a
4 provider may offer discounts on toll calls where a text telephone-
5 telecommunications device for the deaf is used. ~~The commission~~
6 ~~shall not prohibit such discounts on toll calls placed through a~~
7 ~~telecommunication relay service.~~

8 (5) ~~The commission shall establish a rate for each subscriber~~
9 ~~line of a provider to allow the~~ A provider ~~to~~ **MAY** recover costs
10 incurred under this section and may waive the costs assessed under
11 this section to individuals who are deaf or severely hearing
12 impaired or speech impaired. ~~The rate established by the commission~~
13 ~~under this subsection may be assessed as a line item on an end-~~
14 ~~user's bill.~~

15 Sec. 317. (1) An operator service provider shall not provide
16 operator services in this state without first registering with the
17 commission. The registration shall include the following
18 information:

19 (a) The name of the provider.

20 (b) The address of the provider's principal office.

21 (c) If the provider is not located in this state, the address
22 of the registered office and the name of the registered agent
23 authorized to receive service of process in this state.

24 (d) Any other information that the commission may require.

25 (2) The registration shall be accompanied with a registration
26 fee of \$100.00.

27 (3) The registration is effective immediately upon filing with

1 the commission and the payment of the registration fee. and shall
2 remain in effect for 1 year from its effective date.

3 ~~—— (4) A registration may be renewed for 1 year by filing with~~
4 ~~the commission a renewal registration on a form provided by the~~
5 ~~commission and the payment of a renewal fee of \$100.00.~~

6 (4) ~~(5)~~ At no charge, an operator service provider shall
7 immediately connect a person making an emergency call to an
8 emergency responder service.

9 Sec. 320. (1) A person shall not provide payphone service in
10 this state without first registering with the commission. The
11 registration shall include all of the following information:

12 (a) The name of the provider.

13 (b) The address and telephone number of the provider's
14 principal office.

15 (c) If the provider is not located in this state, the address
16 and telephone number of the registered office and the name and
17 telephone number of the registered agent authorized to receive
18 service of process in this state.

19 (d) The specific location of each payphone in this state owned
20 or operated by the provider. Information required under this
21 subdivision shall be made available to the local unit of government
22 solely for the enforcement of the reporting, repairing, and
23 replacement standards under subsection (8). The information
24 required to be provided under this subsection ~~shall be~~ **IS**
25 considered commercial information under section 210, and the
26 information submitted ~~shall be~~ **IS** exempt from the freedom of
27 information act, ~~Act No. 442 of the Public Acts of 1976, being~~

1 ~~sections 15.231 to 15.246 of the Michigan Compiled Laws.1976 PA~~
2 ~~442, MCL 15.231 TO 15.246.~~

3 (2) The registration shall be accompanied by a registration
4 fee of \$100.00.

5 (3) The registration is effective immediately upon filing with
6 the commission and the payment of the registration fee. ~~and shall~~
7 ~~remain in effect for 1 year from its effective date.~~

8 ~~——(4) A registration may be renewed for 1 year by filing with~~
9 ~~the commission a renewal registration on a form provided by the~~
10 ~~commission and the payment of a renewal fee of \$100.00.~~

11 (4) ~~(5)~~—The commission shall establish a toll-free number that
12 can be dialed to report to the commission a payphone that is
13 inoperative. The toll-free number shall be conspicuously displayed
14 by the provider on or near each payphone.

15 (5) ~~(6)~~—If the commission receives a report ~~pursuant to~~ ~~UNDER~~
16 subsection ~~(5)~~, ~~(4)~~, it shall immediately notify the provider of
17 the inoperative payphone.

18 (6) ~~(7)~~—After consulting with providers of payphone service,
19 local units of government, and other interested parties, the
20 commission shall promulgate rules or issue orders under section 213
21 to establish and enforce quality standards in the providing of
22 payphone service.

23 (7) ~~(8)~~—Except as provided in subsection ~~(9)~~, ~~(8)~~, a local
24 unit of government shall not regulate payphone service.

25 (8) ~~(9)~~—A local unit of government may enforce the reporting,
26 repairing, and replacement of inoperative payphones within its
27 jurisdiction by adopting an ordinance that conforms to the

1 standards established by the commission under subsection ~~(7)~~—(6).
2 A local unit of government shall not impose standards greater than
3 ~~these~~**THOSE** established by the commission.

4 Sec. 502. (1) A provider of a basic local exchange service
5 shall not do any of the following:

6 (a) Make a statement or representation, including the omission
7 of material information, regarding the rates, terms, or conditions
8 of providing a service that is intentionally false, misleading, or
9 deceptive. As used in this subdivision, "material information"
10 includes, but is not limited to, a good faith estimate of all
11 applicable fees, taxes, and charges that will be billed to the end-
12 user, regardless of whether the fees, taxes, or charges are
13 authorized by state or federal law.

14 (b) Charge an end-user for a subscribed service for which the
15 end-user did not make an initial affirmative order. Failure to
16 refuse an offered or proposed subscribed service is not an
17 affirmative order for the service.

18 (c) If an end-user has canceled a service, charge the end-user
19 for service provided after the effective date the service was
20 canceled.

21 (d) Cause a probability of confusion or a misunderstanding as
22 to the legal rights, obligations, or remedies of a party to a
23 transaction by making an intentionally false, deceptive, or
24 misleading statement or by failing to inform the customer of a
25 material fact, the omission of which is deceptive or misleading.

26 (e) Represent or imply that the subject of a transaction will
27 be provided promptly, or at a specified time, or within a

1 reasonable time, if the provider knows or has reason to know it
2 will not be so provided.

3 (f) Require the purchase of a regulated service of the
4 provider as a condition of purchasing an unregulated service.

5 (g) If a bona fide dispute exists between a customer and the
6 provider, disconnect the service to the customer ~~before the~~
7 ~~resolution of that dispute.~~ **FOR NONPAYMENT OF THAT DISPUTED AMOUNT.**

8 (2) When the commission has authority to bring a proceeding
9 for a violation of this section, the commission may accept an
10 assurance of discontinuance of a method, act, or practice that is
11 alleged to be unlawful under this section from the person who is
12 alleged to have engaged, be engaging, or be about to engage in the
13 method, act, or practice. The assurance of discontinuance is not an
14 admission of guilt and shall not be introduced in any other
15 proceeding. Unless rescinded by the parties or voided by the court
16 for good cause, the parties to the assurance of discontinuance may
17 enforce the assurance in circuit court. The assurance of
18 discontinuance may include a stipulation for any of the following:

19 (a) The voluntary payment by the person for the cost of
20 investigation.

21 (b) An amount to be held in escrow pending the outcome of an
22 action.

23 (c) An amount for restitution to an aggrieved person.