

AMENDED IN ASSEMBLY MARCH 22, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1268

Introduced by Assembly Member Blumenfield

February 18, 2011

An act to amend Section 2890.2 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 1268, as amended, Blumenfield. Telecommunications: usage notification.

Existing law requires a provider of mobile telephony services to provide subscribers with a means by which a subscriber can obtain reasonably current and available information on the subscriber's calling plan or plans and service usage. Existing law additionally requires that, on or before January 1, 2007, a provider of mobile telephony services provide subscribers with a means by which a subscriber can obtain reasonably current and available information, as determined by the provider, on the subscriber's text messaging and Internet usage and charges.

This bill would ~~require, that~~, for a subscriber to a service plan that requires payment for a set amount of airtime or text messaging where the subscriber pays additional charges if that amount of airtime or text messages is exceeded, *require that* the provider of mobile telephony services ~~shall~~ alert the subscriber when the set allotment of airtime or text messages has been reached. *The bill would require that a provider of mobile data services, including a provider of mobile telephony services that includes mobile data service, to provide subscribers with a means by which a subscriber can obtain reasonably current and*

available information on the subscriber’s mobile data service usage and charges. The bill would, for a subscriber to a service plan that requires payment for a set volume of data or amount of connection time for mobile data service, where the subscriber pays additional charges if that volume or amount of connection time is exceeded, require that the provider of mobile data services alert the subscriber when the set volume or amount of connection time has been reached. The bill would prohibit a provider of mobile telephony services from charging a subscriber for providing notice that they have used their allotment of airtime or text messages and would prohibit a provider of mobile data services from charging a subscriber for providing notice that they have used their allotted volume or connection time of mobile data services.

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2890.2 of the Public Utilities Code is
 2 amended to read:
 3 2890.2. (a) A provider of mobile telephony services, as defined
 4 in Section 224.4, shall provide subscribers with a means by which
 5 a subscriber can obtain reasonably current and available
 6 information, as determined by the provider, on the subscriber’s
 7 calling plan or plans and service usage, including roaming usage
 8 and charges. For a subscriber to a service plan that requires
 9 payment for a set amount of airtime where the subscriber pays
 10 additional charges if that amount of airtime is exceeded, the
 11 provider of mobile telephony services shall alert the subscriber
 12 when the set allotment of airtime has been reached. This
 13 notification may be accomplished by text message.
 14 (b) A provider of mobile telephony services shall provide
 15 subscribers with a means by which a subscriber can obtain
 16 reasonably current and available information, as determined by
 17 the provider, on the subscriber’s text messaging ~~and Internet~~ usage
 18 and charges. For a subscriber to a service plan that requires
 19 payment for a set amount of text messages where the subscriber
 20 pays additional charges if that amount of text messages is exceeded,
 21 the provider of mobile telephony services shall alert the subscriber
 22 when the set allotment of text messages has been reached. This
 23 notification may be accomplished by text message.

1 (c) A provider of mobile data services, including a provider of
2 mobile telephony services that includes mobile data service, shall
3 provide subscribers with a means by which a subscriber can obtain
4 reasonably current and available information, as determined by
5 the provider, on the subscriber's mobile data service usage and
6 charges. For a subscriber to a service plan that requires payment
7 for a set volume of data or amount of connection time for mobile
8 data service, where the subscriber pays additional charges if that
9 volume or connection time amount is exceeded, the provider of
10 mobile data services shall alert the subscriber when the set volume
11 or amount of connection time has been reached. This notification
12 may be accomplished by a text message.

13 (d) Each provider of mobile telephony services shall inform
14 subscribers at the time service is established of the availability of
15 the information described in subdivisions ~~(a) and (b)~~ (a), (b), and
16 (c) and how it may be obtained. A provider of mobile telephony
17 services shall not charge a subscriber for providing notice, pursuant
18 to subdivisions ~~(a) and (b)~~ (a), (b), and (c), that they have used
19 their allotment of ~~airtime or text messages~~: airtime, text messages,
20 or volume or amount of connection time for mobile data service.