

The View from the Capitol

[This piece originally appeared in the North Haven Courier.]

by State Representative Steve Fontana

As co-chairman of the General Assembly's Energy & Technology Committee, I helped to pass three important pieces of legislation this year. I'd like to kick off my review of the 2005 session by describing the first of these bills: PA 05-241, "An Act Concerning Cellular Mobile Telephone Number Directories and Information on Customer Service."

Over the past ten years or so, cellular telephone use has exploded. There are nearly two million cellphones currently in use in Connecticut, which means that, practically speaking, roughly two-thirds of all state residents use a cellphone or have access to one.

Although cellphones appear to work like "landline" telephones, there are some differences. First, cellphone calls are actually radio transmissions that travel back and forth to base antennas, which then use landlines to route the calls to their destinations. As a result, cellphone customers, unlike landline telephone customers, pay both for the calls that they make and the calls that they receive on their cellphones.

Second, most cellphone users have come to expect that, although they may receive unwanted calls on their landlines at home from time to time, they should not receive unsolicited calls as a rule on their cellphones.

Third, unlike landline telephone service, which is regulated by our Department of Public Utility Control (DPUC), cellphone service is regulated, and only lightly, by the Federal Communications Commission (FCC). We thus have a limited ability to control or affect how cellphone service occurs here in Connecticut.

When our legislative session began, our committee received several requests that we look into cellphone "quality of service" issues. Given the central role that cellphones now plays in our lives, we decided to examine this subject in greater detail.

At our public hearing, we received a range of input from the public, and the telecommunications industry, on cellphone service in Connecticut. The industry maintained that their voluntary code of conduct, combined with competitive pressures, are sufficient to ensure quality customer service. The Attorney General, the Consumer Counsel, and others, however, insisted that cellphone service problems are so pervasive that we need a comprehensive cellphone users' "bill of rights."

Unfortunately, we found that no one has independent, objective, and quantifiable data on the nature and extent of cellphone service problems. We considered this information critical to addressing the situation.

Absent this information, however, we concluded that we could do two things: 1) resolve the most urgent concern, by banning the inclusion of cellphone customers' numbers, names, and addresses in a directory without their prior consent; and 2) establish a process to collect and analyze customer service complaints by type of complaint and cellphone carrier across at least a couple of years.

Initially, the telecommunications industry did not support this approach. Working with them, however, we reached an understanding on the bill's key provisions. We believe that the finished product, which met our underlying objectives, addressed the industry's reservations, and received broad bipartisan support in both chambers, was well worth it.

First, our bill prohibits cellphone companies 1) from disclosing a customer's cell phone number, name, or address to another person for use in a cellphone directory or database unless the customer authorizes it, and 2) from refusing to serve a customer who declines to give such authorization.

Second, our bill requires the DPUC to establish, by January 1, 2006, a toll-free telephone number, Internet website, and mail address to which people can submit cellphone complaints. It also requires cellphone companies by January 1 to notify existing customers, and to begin disclosing to new customers, the toll-free telephone number, website, and DPUC address for receiving complaints.

Finally, our bill requires the DPUC to report to us on the number and type of cellphone service complaints that it receives during 2006 and 2007.

I believe that this bill offers cellphone users significant consumer improvements and benefits. I therefore expect that the Governor will sign it into law.