

108TH CONGRESS
1ST SESSION

S. 1216

To improve wireless telephone service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2003

Mr. SCHUMER (for himself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve wireless telephone service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cell Phone Users Bill
5 of Rights”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) Consumers rely increasingly on wireless
10 telephone service for personal, business, and emer-

1 agency communications. There are currently more
2 than 137,000,000 wireless telephone users in the
3 United States. This is more than a 121 percent in-
4 crease in the number of such users in the past five
5 years alone. In the future this number is projected
6 to grow as consumers switch from wireline to wire-
7 less telephone service for their primary telephone
8 service.

9 (2) The lack of wireless telephone number port-
10 ability—the capacity of a consumer to retain a wire-
11 less telephone number when changing wireless tele-
12 phone service providers—is a barrier to competition
13 in the market for wireless telephone service. The
14 lack of number portability acts as a disincentive for
15 wireless telephone service providers to improve the
16 quality of their wireless telephone service.

17 (3) The lack of wireless telephone number port-
18 ability imposes significant costs on individual con-
19 sumers and businesses looking to change wireless
20 telephone service providers. More than half of busi-
21 ness wireless telephone users report that number
22 portability would make them more likely to change
23 wireless telephone service providers.

24 (4) Consumers cannot easily compare offers for
25 wireless telephone service because information on

1 terms, pricing, and service plans for such service is
2 not presented in a uniform manner. Current wireless
3 telephone service contracts do not clearly display the
4 information consumers need to make an informed
5 choice regarding a wireless telephone service con-
6 tract. Consumers may not be aware of the defi-
7 ciencies in wireless telephone service quality until
8 after they have signed a contract, and exorbitant
9 early termination penalties effectively lock con-
10 sumers into undesired, long-term contracts.

11 (b) PURPOSES.—The purposes of this Act are—

12 (1) to improve quality of wireless telephone
13 service; and

14 (2) to promote consumer choice in the wireless
15 telephone service market.

16 **SEC. 3. TELEPHONE NUMBER PORTABILITY FOR WIRELESS**
17 **TELEPHONE SERVICE.**

18 (a) REQUIREMENT IN LARGEST MARKETS.—

19 (1) REQUIREMENT.—Commencing not later
20 than six months after the date of the enactment of
21 this Act, or November 24, 2003, whichever is earlier,
22 the Federal Communications Commission shall re-
23 quire each wireless telephone service provider offer-
24 ing service in one of the 100 largest Metropolitan
25 Statistical Areas (MSA), as defined by the Bureau

1 of the Census, to provide consumers with the option
2 to port telephone numbers between wireless tele-
3 phone service providers by implementing wireless
4 telephone number portability throughout the net-
5 works of wireless telephone service providers in each
6 of such 100 largest Metropolitan Statistical Areas.

7 (2) REQUIREMENT NOT DEPENDENT ON OTHER
8 CARRIER REQUEST.—The requirement in paragraph
9 (1) shall be implemented in each Metropolitan Sta-
10 tistical Area referred to in that paragraph without
11 regard to the receipt of a request from any tele-
12 communications carrier in such Metropolitan Statis-
13 tical Area for wireless telephone number portability.

14 (b) OTHER MARKETS.—

15 (1) REQUIREMENT.—Commencing not later
16 than 18 months after the date of the enactment of
17 this Act, or November 24, 2004, whichever is earlier,
18 the Commission shall require each wireless telephone
19 service provider in a Metropolitan Statistical Area
20 described in paragraph (2) to provide customers
21 with the option to port their telephone number be-
22 tween wireless telephone service providers by imple-
23 menting wireless telephone number portability
24 throughout the networks of wireless telephone serv-
25 ice providers in such Metropolitan Statistical Area.

1 (2) COVERED METROPOLITAN STATISTICAL
 2 AREAS.—A Metropolitan Statistical Area described
 3 in this paragraph is a Metropolitan Statistical Area
 4 not covered by subsection (a) in which three or more
 5 wireless telephone services providers provide wireless
 6 telephone service.

7 **SEC. 4. DISCLOSURE REQUIREMENTS FOR PLANS AND CON-**
 8 **TRACTS FOR WIRELESS TELEPHONE SERV-**
 9 **ICE.**

10 (a) DISCLOSURE REQUIREMENTS.—The Federal
 11 Communications Commission shall require that any publi-
 12 cation, including publication on the Internet, of a wireless
 13 telephone service provider of the terms of a plan or con-
 14 tract for wireless telephone service shall set forth, in a
 15 plain and conspicuous manner, the following information:

16 (1) CHARGES.—Information on charges, includ-
 17 ing calling-from area, monthly base charge, per-
 18 minute charges for minutes not included in the plan,
 19 and the method of calculating minutes charged.

20 (2) MINUTES.—Information on minutes in-
 21 cluded in plan, including weekday/daytime, nights/
 22 weekends, long-distance, roaming, incoming, and di-
 23 rectory assistance.

24 (3) CONTRACT TERMS.—Information on plan or
 25 contract terms, including length of contract, early or

1 other termination fees, trial periods, and start-up
2 fees.

3 (4) TAXES AND SURCHARGES.—

4 (A) TAXES.—Information on taxes to be
5 collected by the carrier for, and paid to, a
6 State, local, or other governmental agency.

7 (B) SURCHARGES.—Information on sur-
8 charges imposed by the carrier for the costs of
9 compliance with regulations or for other pur-
10 poses.

11 (5) OTHER INFORMATION.—Any other informa-
12 tion that the Commission considers appropriate to
13 ensure that consumers of wireless telephone service
14 are fully informed of the terms of the plan or con-
15 tract.

16 (b) FORMAT.—Not later than six months after the
17 date of the enactment of this Act, the Commission shall
18 prescribe regulations requiring that the information re-
19 quired by subsection (a) be published by wireless telephone
20 service providers in a tabular format, in a clear and uni-
21 form manner, and in at least 10 point font.

22 **SEC. 5. PROVISION OF INFORMATION ON WIRELESS TELE-**
23 **PHONE SERVICE COVERAGE AND QUALITY TO**
24 **CONSUMERS.**

25 (a) SERVICE AREA MAPS.—

1 (1) REQUIREMENT.—Each wireless telephone
2 service provider shall make available a map showing
3 the wireless telephone service area of such provider.
4 Each such map shall contain the maximum prac-
5 ticable level of granularity. Each such map shall be
6 updated not less often than quarterly.

7 (2) TIMES OF PROVISION.—A map of the serv-
8 ice area of a wireless telephone service shall be pro-
9 vided to a consumer—

10 (A) upon the request of the consumer;

11 (B) whenever a plan or contract for the
12 service is entered into; and

13 (C) at such other times as the Federal
14 Communications Commission shall provide.

15 (3) ELECTRONIC AVAILABILITY.—Each map of
16 a service area under paragraph (1) shall be avail-
17 able—

18 (A) on the Internet web site of the pro-
19 vider concerned; and

20 (B) on the Internet web site of the Com-
21 mission.

22 (b) SERVICE QUALITY.—

23 (1) MONITORING.—The Commission shall mon-
24 itor the quality of wireless telephone service provided
25 in the United States by requiring semiannual reports

1 by wireless telephone service providers on the fol-
2 lowing:

3 (A) Dropped calls.

4 (B) Blocked calls.

5 (C) Known coverage gaps (including aver-
6 age signal strength) or dead zones.

7 (D) Predicted street level signal strength.

8 (E) Any other matters the Commission
9 considers appropriate.

10 (2) COMMUNICATION WITH PUBLIC.—In moni-
11 toring the quality of wireless telephone service under
12 paragraph (1), the Commission shall establish a toll-
13 free telephone number (commonly referred to as an
14 “800” number) and an Internet web site at which
15 members of the public can submit to the Commis-
16 sion their comments and views on the quality of
17 such service.

18 (3) PUBLICATION.—The Commission shall
19 make available to wireless telephone service pro-
20 viders and the public on a semiannual basis informa-
21 tion on the quality of wireless telephone service pro-
22 vided in the United States.

23 **SEC. 6. ENFORCEMENT.**

24 (a) ENFORCEMENT BY FCC.—

1 (1) IN GENERAL.—The Federal Communica-
2 tions Commission shall have the power and authority
3 to enforce the provisions of this Act as if such provi-
4 sions were provisions of the Communications Act of
5 1934 (47 U.S.C. 151 et seq.).

6 (2) PENALTIES.—Penalties authorized by title
7 V of the Communications Act of 1947 (47 U.S.C.
8 501 et seq.) may be imposed under this subsection
9 for a violation of a provision of this Act.

10 (b) ENFORCEMENT BY STATES.—

11 (1) AUTHORITY.—The attorney general of a
12 State, or the public utility commission of a State if
13 authorized by the laws of the State, may bring a
14 civil action on behalf of the residents of the State in
15 a district court of the United States of appropriate
16 jurisdiction to enforce the provisions of this Act.

17 (2) PENALTIES.—Penalties authorized by title
18 V of the Communications Act of 1934 for a violation
19 of a provision of that Act may be imposed in a civil
20 action under this subsection for a violation of a pro-
21 vision of this Act.

22 **SEC. 7. DEFINITIONS.**

23 In this Act:

24 (1) WIRELESS TELEPHONE SERVICE.—The
25 term “wireless telephone service” means any form of

1 wireless telephone service, including cellular tele-
2 phone service, broadband Personal Communication
3 Service (PCS) telephone service, Covered Specialized
4 Mobile Radio (SMR) service, and any successor serv-
5 ice to such service (including so-called next genera-
6 tion or third generations service).

7 (2) WIRELESS TELEPHONE SERVICE PRO-
8 VIDER.—The term “wireless telephone service pro-
9 vider” means a telecommunications carrier that pro-
10 vides wireless telephone service.

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