

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Federal Communications Commission to update and establish requirements for customer service.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.**

**S. 2799**

To extend the authority of satellite carriers to retransmit certain television broadcast station signals, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. McCASKILL

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . CUSTOMER SERVICE REQUIREMENTS.**

3 (a) DEFINITION.—In this section, the term “Commis-  
4 sion” means the Federal Communications Commission.

5 (b) CABLE OPERATORS.—

6 (1) IN GENERAL.—Section 632 (47 U.S.C. 552)  
7 is amended—

8 (A) in subsection (b)—

9 (i) by striking (1) and inserting the  
10 following:

1 “(1) customer service availability and accessi-  
2 bility;”;

3 (ii) in paragraph (2), by striking  
4 “and” at the end;

5 (iii) in paragraph (3), by striking the  
6 period at the end and inserting “; and”;  
7 and

8 (iv) by adding at the end the fol-  
9 lowing:

10 “(4) notifications to the subscriber of prices  
11 and rate changes.”; and

12 (B) in subsection (c), by striking “A cable  
13 operator” and inserting the following: “Subject  
14 to any applicable requirement established under  
15 subsection (b), a cable operator”.

16 (2) UPDATING REQUIREMENTS.—Not later than  
17 1 year after the date of enactment of this Act, the  
18 Commission shall update the requirements estab-  
19 lished under section 632(b) of the Communications  
20 Act of 1934 (47 U.S.C. 552(b)).

21 (3) CONSIDERATIONS.—In updating the re-  
22 quirements described in paragraph (2), the Commis-  
23 sion shall—

24 (A) consider clarifying the circumstances  
25 in which the Commission may take enforcement

1           action, including responding to patterns or  
2           trends of complaints or initiating investigations  
3           to determine compliance with customer service  
4           requirements or general consumer protection  
5           standards;

6           (B) consider whether new requirements are  
7           needed to govern particular customer service  
8           issues;

9           (C) consider the differences in capabilities  
10          and resources of cable operators based on their  
11          size; and

12          (D) provide the maximum flexibility pos-  
13          sible for cable operators to comply with the re-  
14          quirements in a manner that accommodates dif-  
15          ferences among cable operators in technologies,  
16          geographic footprint, and financial resources.

17          (4) ENFORCEMENT.—Section 632 (47 U.S.C.  
18          552) is amended by adding at the end the following:

19          “(e) ENFORCEMENT.—

20                 “(1) AUTHORITY TO ENFORCE.—Subject to  
21                 paragraph (2), customer service requirements estab-  
22                 lished for a cable operator shall be considered regu-  
23                 lations issued by the Commission for purposes of li-  
24                 ability and enforcement under section 503(b).

1           “(2) ABSENCE OF ENFORCEMENT BY FRAN-  
2 CHISING AUTHORITY.—If a franchising authority has  
3 not taken affirmative action to enforce the customer  
4 service requirements established by the Commission  
5 under subsection (b) or comparable customer service  
6 requirements established by the franchising author-  
7 ity under subsection (a), the Commission may en-  
8 force the requirements established under subsection  
9 (b) in accordance with section 503(b).

10          “(f) GENERAL AUTHORITY.—It shall be unlawful for  
11 a cable operator to engage in unfair or deceptive acts or  
12 practices within the meaning of section 5(a)(1) of the Fed-  
13 eral Trade Commission Act (15 U.S.C. 45(a)(1)) in the  
14 provision of service to subscribers or consumers.”.

15          (c) DIRECT BROADCAST SATELLITE SERVICE PRO-  
16 VIDERS.—

17           (1) IN GENERAL.—Section 335 (47 U.S.C. 335)  
18 is amended by adding at the end the following:

19          “(c) CUSTOMER SERVICE REQUIREMENTS.—

20           “(1) ESTABLISHMENT.—

21           “(A) IN GENERAL.—The Commission shall  
22 establish customer service requirements for pro-  
23 viders of direct broadcast satellite service.

24           “(B) MINIMUM REQUIREMENTS.—The re-  
25 quirements established under subparagraph (A)

1 shall include, at minimum, requirements gov-  
2 erning—

3 “(i) customer service availability and  
4 accessibility;

5 “(ii) communications between the pro-  
6 vider and the subscriber (including stand-  
7 ards governing bills and refunds); and

8 “(iii) notifications to the subscriber of  
9 prices and rate changes.

10 “(2) CONTENTS; CONSIDERATIONS.—In estab-  
11 lishing customer service requirements under para-  
12 graph (1), the Commission—

13 “(A) subject to subparagraphs (B) through  
14 (D), shall establish requirements similar to the  
15 requirements established for cable operators  
16 under section 632(b), to the extent that the  
17 Commission determines appropriate;

18 “(B) shall consider clarifying the cir-  
19 cumstances in which the Commission may take  
20 enforcement action, including responding to  
21 patterns or trends of complaints or initiating  
22 investigations to determine compliance with  
23 customer service requirements or general con-  
24 sumer protection standards;

1           “(C) shall consider whether new require-  
2           ments are needed to govern particular customer  
3           service issues;

4           “(D) shall consider the technological and  
5           business model differences between cable opera-  
6           tors and direct broadcast satellite services; and

7           “(E) may not establish requirements re-  
8           garding office hours for providers of direct  
9           broadcast satellite service.

10          “(3) ENFORCEMENT.—The Commission may  
11          enforce the customer service requirements estab-  
12          lished under paragraph (1) in accordance with sec-  
13          tions 303(v) and 503(b).

14          “(4) GENERAL AUTHORITY.—It shall be unlaw-  
15          ful for a provider of direct broadcast satellite service  
16          to engage in unfair or deceptive acts or practices  
17          within the meaning of section 5(a)(1) of the Federal  
18          Trade Commission Act (15 U.S.C. 45(a)(1)) in the  
19          provision of service to subscribers or consumers.”.

20          “(2) DEADLINE.—Not later than 1 year after  
21          the date of enactment of this Act, the Commission  
22          shall establish requirements under subsection (e) of  
23          section 335 of the Communications Act of 1934 (47  
24          U.S.C. 335), as added by paragraph (1).