

119TH CONGRESS
2^D SESSION

S. _____

To require telephone providers, cable television providers, direct broadcast satellite service providers, and internet providers to automatically refund their customers when their services are not working, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LUJÁN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require telephone providers, cable television providers, direct broadcast satellite service providers, and internet providers to automatically refund their customers when their services are not working, 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 “Outage Refund Protec-
5 tion Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) CABLE PROVIDER.—The term “cable pro-
2 vider” means a provider of cable service, as defined
3 in section 3 of the Communications Act of 1934 (47
4 U.S.C. 153), with more than 5,000 customers.

5 (2) DBS PROVIDER.—The term “DBS pro-
6 vider” has the meaning given the term “provider of
7 direct broadcast satellite service” in section 335 of
8 the Communications Act of 1934 (47 U.S.C. 335)
9 except that such provider shall have more than
10 5,000 customers.

11 (3) INTERNET PROVIDER.—The term “internet
12 provider” means a provider of broadband internet
13 access service, as defined in section 801 of the Com-
14 munications Act of 1934 (47 U.S.C. 641), with more
15 than 5,000 customers.

16 (4) TELEPHONE PROVIDER.—The term “tele-
17 phone provider” means—

18 (A) a wireless carrier, as defined in section
19 7 of the Wireless Communications and Public
20 Safety Act of 1999 (47 U.S.C. 615b), with
21 more than 5,000 customers;

22 (B) a wireline telephone service provider
23 with more than 5,000 customers; and

24 (C) an interconnected or non-inter-
25 connected VoIP service, as defined in section 3

1 of the Communications Act of 1934 (47 U.S.C.
2 153), with more than 5,000 customers.

3 **SEC. 3. REFUNDS.**

4 (a) CABLE SERVICES.—

5 (1) IN GENERAL.—A cable provider shall auto-
6 matically credit the billing statement of a customer
7 if—

8 (A) the cable service of the cable provider
9 is unavailable or is experiencing an outage or
10 when the equipment provided to the customer
11 by the cable provider to enable use of the cable
12 service, including any software contained in or
13 downloaded to the equipment is not operating
14 correctly, for a period of 4 hours or more; or

15 (B) the customer terminates the cable
16 service of the cable provider.

17 (2) CREDITS.—If required under paragraph
18 (1), a credit shall be automatically issued to the cus-
19 tomer for $\frac{1}{30}$ of the monthly rate for each day the
20 customer is not able to access the cable television
21 network for a period of 4 hours or more.

22 (3) REFUND.—

23 (A) IN GENERAL.—If a customer termi-
24 nates cable service with a cable provider, any
25 credit issued under this section that exceeds the

1 amount due on a billing statement shall be
2 issued to the customer not later than 30 days
3 after the date of the outage in the form of a
4 check in the customer's name, or by issuance of
5 a no-fee prepaid debit card, or by electronic
6 transfer, at the election of the customer, in the
7 amount such credit exceeds such amount due.

8 (B) EXCEPTION.—A cable provider shall
9 not be required to issue a refund under sub-
10 paragraph (A) if the amount of the refund ex-
11 ceeds the cost of disbursement under all meth-
12 ods permitted under this section. A cable pro-
13 vider may restrict the refund methods a cus-
14 tomer can elect to the methods by which the
15 amount of refund exceeds the cost of disburse-
16 ment.

17 (b) SATELLITE SERVICES.—

18 (1) IN GENERAL.—A DBS provider shall auto-
19 matically credit the billing statement of a customer
20 if—

21 (A) the satellite service of the DBS pro-
22 vider is unavailable or is experiencing an outage
23 or when the customer's satellite is not operating
24 correctly, for a period of 4 hours or more; or

1 (B) the customer terminates the satellite
2 service of the DBS provider.

3 (2) CREDITS.—If required under paragraph
4 (1), a credit shall be automatically issued to the cus-
5 tomer for $\frac{1}{30}$ of the monthly rate for each day the
6 customer is not able to access the satellite television
7 network for a period of 4 hours or more.

8 (3) REFUND.—

9 (A) IN GENERAL.—If a customer termi-
10 nates satellite service with a DBS provider, any
11 credit issued under this section that exceeds the
12 amount due on a billing statement shall be
13 issued to the customer not later than 30 days
14 after the date of the outage in the form of a
15 check in the customer's name, or by issuance of
16 a no-fee prepaid debit card, or by electronic
17 transfer, at the election of the customer, in the
18 amount such credit exceeds such amount due.

19 (B) EXCEPTION.—A DBS provider shall
20 not be required to issue a refund under sub-
21 paragraph (A) if the amount of the refund ex-
22 ceeds the cost of disbursement under all meth-
23 ods permitted under this section. A DBS pro-
24 vider may restrict the refund methods a cus-
25 tomer can elect to the methods by which the

1 amount of refund exceeds the cost of disburse-
2 ment.

3 (c) INTERNET SERVICES.—

4 (1) IN GENERAL.—An internet provider shall
5 automatically credit the billing statement of a cus-
6 tomer if the broadband internet access service of the
7 internet provider is out of service or is experiencing
8 an outage, for a period of 4 hours or more.

9 (2) CREDITS.—If required under paragraph
10 (1), a credit shall be automatically issued for $\frac{1}{30}$ of
11 the monthly rate for each day the broadband inter-
12 net access service is unavailable for a period of 4
13 hours or more.

14 (3) REFUND.—

15 (A) IN GENERAL.—If a customer termi-
16 nates broadband internet access service with an
17 internet provider, any credit issued under this
18 section that exceeds the amount due on a billing
19 statement shall be issued to the customer not
20 later than 30 days after the date of the outage
21 in the form of a check in the customer's name,
22 or by issuance of a no-fee prepaid debit card,
23 or by electronic transfer, at the election of the
24 customer, in the amount such credit exceeds
25 such amount due.

1 (B) EXCEPTION.—An internet provider
2 shall not be required to issue a refund under
3 subparagraph (A) if the amount of the refund
4 exceeds the cost of disbursement under all
5 methods permitted under this section. An inter-
6 net provider may restrict the refund methods a
7 customer can elect to the methods by which the
8 amount of refund exceeds the cost of disburse-
9 ment.

10 (d) TELEPHONE SERVICES.—

11 (1) IN GENERAL.—A telephone provider shall
12 automatically credit the billing statement of a cus-
13 tomer on a per-line basis if the telephone service of
14 the telephone provider is out of service or is experi-
15 encing an outage, for a period of 4 hours or more.

16 (2) CREDITS.—If required under paragraph
17 (1), a credit shall be automatically issued for $\frac{1}{30}$ of
18 the monthly rate for each day the customer is not
19 able to access telephone service of the telephone pro-
20 vider for a period of 4 hours or more.

21 (3) REFUND.—

22 (A) IN GENERAL.—If a customer termi-
23 nates telephone service with a telephone pro-
24 vider, any credit issued under this section that
25 exceeds the amount due on a billing statement

1 shall be issued to the customer not later than
2 30 days after the date of the outage in the form
3 of a check in the customer's name, or by
4 issuance of a no-fee prepaid debit card, or by
5 electronic transfer, at the election of the cus-
6 tomer, in the amount such credit exceeds such
7 amount due.

8 (B) EXCEPTION.—A telephone provider
9 shall not be required to issue a refund under
10 subparagraph (A) if the amount of the refund
11 exceeds the cost of disbursement under all
12 methods permitted under this section. A tele-
13 phone provider may restrict the refund methods
14 a customer can elect to the methods by which
15 the amount of refund exceeds the cost of dis-
16 bursement.

17 (e) PRE-PLANNED MAINTENANCE.—Subsections (a)
18 through (d) shall not apply to service outages for pre-
19 planned maintenance for which the provider has informed
20 the affected customers in advance that service will be un-
21 available.

22 (f) ENFORCEMENT.—Not later than 18 months after
23 the date of enactment of this Act, the Federal Commu-
24 nications Commission shall issue rules implementing the

1 requirements under this section, including penalties for
2 failure to comply.

3 (g) PREEMPTION.—Nothing in this section or in the
4 regulations prescribed under this section shall preempt
5 any State law that imposes more restrictive intrastate re-
6 quirements or regulations.

7 **SEC. 4. CUSTOMER SERVICE IMPROVEMENTS.**

8 (a) IN GENERAL.—

9 (1) FEDERAL COMMUNICATIONS COMMISSION.—

10 Not later than 18 months after the date of enact-
11 ment of this Act, the Federal Communications Com-
12 mission shall issue rules to require that each tele-
13 phone provider, cable provider, DBS provider, and
14 internet provider—

15 (A) extend cable customer service require-
16 ments to direct broadcast satellite, voice, and
17 broadband service, as applicable, including by
18 making customer service accessible for those
19 with disabilities;

20 (B) maintain recordings of customer serv-
21 ice calls for not less than 1 year and release a
22 recording of a customer service call to a cus-
23 tomer or the customer's agent, upon request;
24 and

1 (C) not associate any fee with the option
2 to receive a call from a customer service rep-
3 resentative at such time as a representative be-
4 comes available.

5 (2) FEDERAL TRADE COMMISSION.—

6 (A) IN GENERAL.—Not later than 18
7 months after the date of enactment of this Act,
8 the Federal Trade Commission shall issue rules
9 with respect to telephone providers, cable pro-
10 viders, DBS providers, and internet providers
11 to—

12 (i) implement standards for missed
13 service appointments; and

14 (ii) assess the burden of returning
15 equipment for those with disabilities or in-
16 dividuals who do not drive and if, in the
17 determination of the Federal Trade Com-
18 mission, the burden is sufficiently high, re-
19 quire the provider to offer alternate means
20 of return at no extra cost to such individ-
21 uals.

22 (B) INJUNCTION AUTHORITY.—The Fed-
23 eral Trade Commission shall have authority
24 under section 13(b) of the Federal Trade Com-
25 mission Act (15 U.S.C. 53(b)) to seek a pre-

1 liminary or permanent injunctions to enforce
2 any requirement under subparagraph (A).

3 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion shall prohibit a State, or subdivision of a State, from
5 imposing requirements higher than or in addition to the
6 requirements imposed pursuant to this section.

7 **SEC. 5. SERVICE OUTAGES.**

8 As soon as possible following the activation of the
9 Disaster Information Reporting System described in sec-
10 tion 4.18 of title 47, Code of Federal Regulations, or any
11 successor regulation, each broadband internet service pro-
12 vider shall report service outages within the area of activa-
13 tion to the Federal Communications Commission and shall
14 include broadband internet access service outage informa-
15 tion in each public report under the Disaster Information
16 Reporting System.