

119TH CONGRESS
2D 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;

1 (B) the satellite service of the DBS pro-
2 vider does not carry a network on the service
3 tier of the customer, for a period of 4 hours or
4 more; or

5 (C) the customer terminates the satellite
6 service of the DBS provider.

7 (2) CREDITS.—

8 (A) OUTAGES AND TERMINATION.—If re-
9 quired under subparagraph (A) or (C) of para-
10 graph (1), a credit shall be automatically issued
11 to the customer for $\frac{1}{30}$ of the monthly rate for
12 each day the customer is not able to access the
13 satellite television network for a period of 4
14 hours or more.

15 (B) NETWORK UNAVAILABILITY.—If re-
16 quired under subparagraph (B) of paragraph
17 (1), a credit shall be automatically issued to the
18 customer the amount of which is pro-rated as
19 determined by the Federal Communications
20 Commission based on factors including—

21 (i) the duration for which the satellite
22 service of the DBS provider did not carry
23 the network on the service tier of the cus-
24 tomer; and

1 (ii) the cost of the network to the
2 DBS provider compared to the cost of all
3 networks distributed on such service tier.

4 (3) REFUND.—

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

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

24 (c) INTERNET SERVICES.—

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

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

11 (3) REFUND.—

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

23 (B) EXCEPTION.—An internet provider
24 shall not be required to issue a refund under
25 subparagraph (A) if the amount of the refund

1 exceeds the cost of disbursement under all
2 methods permitted under this section. An inter-
3 net provider may restrict the refund methods a
4 customer can elect to the methods by which the
5 amount of refund exceeds the cost of disburse-
6 ment.

7 (d) TELEPHONE SERVICES.—

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

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

18 (3) REFUND.—

19 (A) IN GENERAL.—If a customer termi-
20 nates telephone service with a telephone pro-
21 vider, any credit issued under this section that
22 exceeds the amount due on a billing statement
23 shall be issued to the customer not later than
24 30 days after the date of the outage in the form
25 of a check in the customer's name, or by

1 issuance of a no-fee prepaid debit card, or by
2 electronic transfer, at the election of the cus-
3 tomer, in the amount such credit exceeds such
4 amount due.

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

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

19 (f) ENFORCEMENT.—Not later than 18 months after
20 the date of enactment of this Act, the Federal Commu-
21 nications Commission shall issue rules implementing the
22 requirements under this section, including penalties for
23 failure to comply.

24 (g) PREEMPTION.—Nothing in this section or in the
25 regulations prescribed under this section shall preempt

1 any State law that imposes more restrictive intrastate re-
2 quirements or regulations.

3 **SEC. 4. CUSTOMER SERVICE IMPROVEMENTS.**

4 (a) IN GENERAL.—

5 (1) FEDERAL COMMUNICATIONS COMMISSION.—

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

11 (A) extend cable customer service require-
12 ments to direct broadcast satellite, voice, and
13 broadband service, as applicable, including by
14 making customer service accessible for those
15 with disabilities;

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

21 (C) not associate any fee with the option
22 to receive a call from a customer service rep-
23 resentative at such time as a representative be-
24 comes available.

25 (2) FEDERAL TRADE COMMISSION.—

1 (A) IN GENERAL.—Not later than 18
2 months after the date of enactment of this Act,
3 the Federal Trade Commission shall issue rules
4 with respect to telephone providers, cable pro-
5 viders, DBS providers, and internet providers
6 to—

7 (i) implement standards for missed
8 service appointments; and

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

17 (B) INJUNCTION AUTHORITY.—The Fed-
18 eral Trade Commission shall have authority
19 under section 13(b) of the Federal Trade Com-
20 mission Act (15 U.S.C. 53(b)) to seek a pre-
21 liminary or permanent injunctions to enforce
22 any requirement under subparagraph (A).

23 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion shall prohibit a State, or subdivision of a State, from

1 imposing requirements higher than or in addition to the
2 requirements imposed pursuant to this section.

3 **SEC. 5. SERVICE OUTAGES.**

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