

SPEAKER NICHOL: Senator Hoagland, please.

SENATOR HIGGINS: Senator, I'm looking at a white copy, which my aide tells me this is how the bill is as it has been amended up until this morning. So am I correct, Section 11 would begin, "The telecommunications company shall not be liable for damages arising from errors," et cetera?

SENATOR HOAGLAND: Right.

SENATOR HIGGINS. At the end of that subsection it says "except that the telecommunications company shall be required to furnish a refund for service actually not received by the customer." So what you are saying is they won't be liable for anything. But here you are taking out...this section says that they...the company shall be required to furnish a refund for service actually not received by the customer. So if you strike that whole section then what we are striking is a customer's right to get money for service that he never received. Is that not correct?

SENATOR HOAGLAND: Well, let me say two things, Senator Higgins. First, as I understand it, this is already provided for in the rules of the Public Service Commission. So if we strike this section we are not going to change that refund rule you are referring to.

SENATOR HIGGINS: Why is it in the bill then if it's already in the Public Service Commission?

SENATOR HOAGLAND: I didn't write the bill.

SENATOR HIGGINS: Well, I don't know that it is in the Public Service Commission. Is there any authority on the Public Service Commission that knows for sure? Because I certainly wouldn't want to see somebody who had a telephone bill, and they had a refund of \$100 or \$200 coming to them, and we struck that refund by striking this section. That is my main concern. Thank you, Senator Hoagland. I'm just concerned about that part of Section 11, and the liability of the telecommunications company arising from errors or omissions of telephone directory listings published by or on behalf of the company. You know, I know a fellow that had his phone, his business phone, it was put in there incorrectly and it didn't do him any good to get half of his telephone bill back when his customers...nobody could reach him. I think this is an important part of the bill. But