



Summary of "Wireless Consumer Protection and Community Broadband Empowerment Act of 2008" (Market Draft Legislation H.R. _____)

Title I: National Policy for Wireless Service Consumer Protection

- FCC to establish regulations regarding commercial mobile service providers' terms and charges associated with any wireless service plan in clear, plain, conspicuous manner
- Terms to include: duration; trial period; number of service plan minutes; subsidized customer equipment; any fees, charges, taxes
- Providers to make information available to subscribers with new, modified and renewed plans
- Must provide plan without early termination fees; must provide prorated early termination fees
- Requires providers to make available coverage maps; must contain information regarding areas without regular availability
- Billing policies: prohibits separate charges except those including Federal, State or local taxes and expressly authorized charges
- Federal, State and local charges must be listed in separate section on bill in plain, clear language
- FCC to promulgate rules for semiannual reports concerning service quality
- Provide website for public comments regarding service quality
- Establishes new rules for modifications and renewals; includes 30-day notice of any changes to plan, with right of termination
- Provides 30-day termination period with no penalty; pro rata refund for equipment
- Gives enforcement authority to FCC; state AGs, PUCs, or any other state agency authorized by law may bring civil actions or make use of state APA provisions
- Title V penalties permitted; state may impose higher fees/remedies not inconsistent with Act
- Act not to preempt or affect state laws of general applicability
- Preempts inconsistent state laws; does not preempt state laws that provide additional enforcement protection as long as they are consistent with the Act (disputes as to consistency to be determined by FCC)

Title II: Community Broadband Empowerment

- Nearly word for word repeat of the language in Boucher's bill. See attached separate analysis.

Title III: Spectrum Efficiency and Availability Assessment

- Requires the creation of a spectrum efficiency plan for Federal agencies; shall include "smart radio" receiver technology
- The term "smart radio receiver" means a device that receives wireless transmissions in a manner that is highly efficient and is typified by software-defined radio devices and devices that, in general, can increase spectrum usage by dynamically sensing transmissions and adapting in frequency, time, and space to do so.