

A motion by Oklahoma, Washington and Wisconsin to amend the rules Construing Prepaid Calling Service and Prepaid Wireless Calling Service Definitions

[Amend Existing Rule 327.2 by adding a new paragraph (I) as follows]

Rule 327.2. Telecommunication Definitions.

[paragraphs (A) through (H) unchanged]

I. Construction of prepaid definitions. For purposes of the terms “prepaid calling service” and “prepaid wireless calling service,” the term “predetermined unit” includes but is not limited to units measured by dollars, events, time, or combinations thereof.

Units of time include minutes, hours, days, weeks, or months. One or more units measured by time will be considered to decline with use in a known amount if such unit or units declines according to a predetermined basis. The predetermined basis may be a combination of different units measured by time.

Example 1: A vendor offers a wireless calling service that must be paid for in advance. For a purchase price of \$80, the purchaser can make and receive an unlimited number of voice calls during a one-month period. Under the terms of the service plan, the customer will not be entitled to use the service after the expiration of such one-month period unless the customer has paid in advance for additional service prior to the expiration of such period. This is the sale of a prepaid wireless calling service and illustrates the use of a single unit of time that is expressed in months.

Example 2: A vendor offers a wireless calling service that must be paid for in advance. For a purchase price of \$60, the purchaser can make or receive not more than 400 minutes of voice calls during a one-month period. Under the terms of the service plan, the customer will not be entitled to use the service after making or receiving 400 minutes of voice calls or the expiration of such one-month period, whichever occurs earlier, unless the customer has paid in advance for additional service prior to accumulating 400 minutes of voice usage or the expiration of such one-month period, whichever occurs earlier. This is the sale of a prepaid wireless calling service and illustrates the use of a combination of units of time, one expressed in minutes and one expressed in months.

Units may also be measured by events, such as sending or receiving a text message, and the terms of the prepaid service may include such event-based units in addition to units measured by time.

Example 1: A vendor offers a wireless calling service plan under which service must be paid for in advance. For a purchase price of \$100, the purchaser can, during a one-month period, (1) make and receive unlimited voice calls on nights

and weekends, (2) make and receive not more than 500 minutes of other voice calls, and (3) send or receive not more than 250 text messages. Under the terms of the service plan, the customer (1) will not be entitled to use the voice service beyond the time limitation on voice calls, (2) will not be entitled to use the messaging service beyond the specified text message limitation, and (3) will not be able to use the service after the expiration of such one-month period, unless the customer, prior to the expiration of the earlier of such time periods or the occurrence of such event, has paid in advance for additional service. This example is the sale of a prepaid wireless calling service and illustrates the use a combination of (1) units of time that are expressed in a combination of measures, and (2) event-based units.