Dear Ms. Garvey:

CTIA®, the trade association for the wireless communications industry, respectfully requests a chapter amendment to the recently passed S 2861/A 3327, which requires that the expiration date of minutes on a prepaid call card be printed on the card. Wireless providers inform consumers of the expiration of prepaid minutes and this amendment reflects how prepaid wireless service works from a practical perspective.

We respectfully request the following amendment language provided in bold below:

1. Section 1. Paragraphs e and f of subdivision 2 of section 92-f of the public service law, as added by chapter 651 of the laws of 1999, are amended and a new paragraph g is added to read as follows:
   e. any expiration date or expiration policy; [and]
   f. instructions for use of the card; and
   g. in the case of a company that offers prepaid cellular telephone services by means of a prepaid calling card, such prepaid calling card shall have printed on its face, in conspicuous print of a font at least two times larger than any other print printed on such card, and in bold face print that is at least ten-point sized, the expiration date for the cellular minutes purchased with the card. provided, however, this paragraph shall not apply to prepaid calling cards that are sold at retail outlets and are activated solely at the discretion of the purchaser of the prepaid calling card."

2. § 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

It is not practical to print an expiration date on prepaid wireless phone cards as many prepaid phone cards are purchased and not immediately used or activated. Therefore, a published expiration date would have no meaning as the use term starts upon activation of the minutes on the card and not at the time of purchase of the card. Also, if cards are in stock at a retail outlet for a period of time before they are purchased and they contained an expiration date, that date would be meaningless and the cards would appear to have expired before they were even sold or activated. Additionally, many wireless customers can
see the expiration date online when they activate a card and have the ability to set text alerts for expiration dates.

The wireless industry’s competitive nature has spurred rapid wireless development that has witnessed growth to over 420 million wireless devices nationally, including over 23.1 million New York wireless connections. This rapid development was ushered in by Congress’ decision in 1993 to create a national regulatory framework for wireless. Wireless phone cards are made to be used by consumers across the country and oftentimes the providers do not control the sales channel in which the cards are sent when they work with large retailers. Passage of this chapter amendment provides regulatory certainty from a compliance perspective for CTIA’s members.

Sincerely,

Lisa Volpe McCabe,
Director, State Legislative Affairs