

5615--A

2009-2010 Regular Sessions

I N   S E N A T E

May 21, 2009

---

Introduced by Sens. PARKER, KRUGER, OPPENHEIMER, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law and the general business law, in relation to providing for unlisted telephone numbers without charge for certain victims of domestic violence

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 91 of the public service law is amended by adding a  
2     new subdivision 7 to read as follows:  
3     7. EVERY LOCAL EXCHANGE TELEPHONE CORPORATION, AS DEFINED IN THIS  
4     CHAPTER SHALL, AT ITS OPTION: (A) ALLOW A CUSTOMER TO USE A MODIFIED OR  
5     ALTERNATIVE NAME FOR A DIRECTORY LISTING OR (B) WAIVE THE OTHERWISE  
6     APPLICABLE CHARGES FOR A NON-PUBLISHED TELEPHONE LISTING, WHERE THE  
7     CUSTOMER REQUESTS PROTECTION OF ITS IDENTITY IN CONNECTION WITH THE  
8     CUSTOMER'S PURCHASE OF TELEPHONE SERVICE AND THE CUSTOMER IS A VICTIM OF  
9     DOMESTIC VIOLENCE, AS DEFINED IN SECTION FOUR HUNDRED FIFTY-NINE-A OF  
10    THE SOCIAL SERVICES LAW, AND FOR WHOSE BENEFIT ANY ORDER OF PROTECTION,  
11    OTHER THAN A TEMPORARY ORDER OF PROTECTION, HAS BEEN ISSUED BY A COURT  
12    OF COMPETENT JURISDICTION. THIS WAIVER OF CHARGES SHALL BE FOR THE DURA-  
13    TION OF THE APPLICABLE, NON-TEMPORARY, ORDER. ANY NON-PUBLISHED LISTINGS  
14    PROVIDED IN THIS SUBDIVISION SHALL CONFORM TO ALL THE SAME REQUIREMENTS  
15    OF OTHER NON-PUBLISHED LISTINGS. A CUSTOMER REQUESTING SUCH AN ACCOMMO-  
16    DATION SHALL PROVIDE A COPY OF THE ORDER OF PROTECTION TO THE APPLICABLE  
17    TELEPHONE PROVIDER.  
18    S 2. The general business law is amended by adding a new section 399-  
19    yy to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD11988-02-0

1 S 399-YY. CABLE TELEVISION COMPANY PROVIDING TELEPHONE SERVICES.  
2 EVERY CABLE TELEVISION COMPANY, AS DEFINED IN SECTION TWO HUNDRED TWELVE  
3 OF THE PUBLIC SERVICE LAW, THAT PROVIDES TELEPHONE SERVICE TO CUSTOMERS  
4 IN NEW YORK SHALL, AT ITS OPTION: A. ALLOW A CUSTOMER TO USE A MODIFIED  
5 OR ALTERNATIVE NAME FOR A DIRECTORY LISTING OR B. WAIVE THE OTHERWISE  
6 APPLICABLE CHARGES FOR A NON-PUBLISHED TELEPHONE LISTING, WHERE THE  
7 CUSTOMER REQUESTS PROTECTION OF ITS IDENTITY IN CONNECTION WITH THE  
8 CUSTOMER'S PURCHASE OF TELEPHONE SERVICE AND THE CUSTOMER IS A VICTIM OF  
9 DOMESTIC VIOLENCE, AS DEFINED IN SECTION FOUR HUNDRED FIFTY-NINE-A OF  
10 THE SOCIAL SERVICES LAW, AND FOR WHOSE BENEFIT ANY ORDER OF PROTECTION,  
11 OTHER THAN A TEMPORARY ORDER OF PROTECTION, HAS BEEN ISSUED BY A COURT  
12 OF COMPETENT JURISDICTION. THIS WAIVER OF CHARGES SHALL BE FOR THE DURA-  
13 TION OF THE APPLICABLE, NON-TEMPORARY, ORDER. ANY NON-PUBLISHED LISTINGS  
14 PROVIDED IN THIS SECTION SHALL CONFORM TO ALL THE SAME REQUIREMENTS OF  
15 OTHER NON-PUBLISHED LISTINGS. A CUSTOMER REQUESTING SUCH AN ACCOMMO-  
16 DATION SHALL PROVIDE A COPY OF THE ORDER OF PROTECTION TO THE APPLICABLE  
17 TELEPHONE PROVIDER.

18 S 3. The New York state office for prevention of domestic violence and  
19 the office of children and family services are hereby authorized and  
20 directed to assist the New York state department of public service in  
21 preparing a comprehensive study documenting: (1) the number of victims  
22 of domestic violence who have received either a modified or alternative  
23 name for a directory listing, or a non-published telephone listing with  
24 all applicable charges waived, between the effective date of this act  
25 and April 15, 2011; (2) the fiscal implications for New York telephone  
26 services' providers of providing either a modified or alternative name  
27 for a directory listing, or a non-published telephone listing with all  
28 applicable charges waived; and (3) whether any grants, foundation fund-  
29 ing or other funding exists that could continue to provide said victims  
30 of domestic violence with the valuable service of non-published list-  
31 ings, or modified or alternative listings, at no cost, without a fiscal  
32 impact upon the state of New York, or upon the telephone corporations or  
33 cable television companies providing such service. The findings and  
34 results of the study shall be delivered, in the form of a report to the  
35 governor, the temporary president of the senate, and the speaker of the  
36 assembly on May 3, 2011. The report shall also include recommended  
37 legislation that will assist in effectuating the legislature's goal of  
38 providing additional protection for the victims of domestic violence by  
39 aiding them in keeping their telephone number unknown by the perpetrator  
40 of violence upon them.

41 S 4. This act shall take effect on the one hundred twentieth day after  
42 it shall have become a law; provided, however effective immediately, the  
43 public service commission is authorized to promulgate any and all rules  
44 and regulations, and take any other measures necessary to implement this  
45 act on its effective date on or before such date.