

3597

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. CROUCH, BALL, FINCH, SAYWARD, McKEVITT, REILICH
-- Multi-Sponsored by -- M. of A. HAWLEY, MAYERSOHN, McDONOUGH, THIELE
-- read once and referred to the Committee on Corporations, Authori-
ties and Commissions

AN ACT to amend the public service law, in relation to providing custom-
ers the right to choose the stations that they wish to receive

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

1 Section 1. The public service law is amended by adding a new section
2 225-a to read as follows:
3 S 225-A. CABLE SUBSCRIBERS RIGHT TO ACCESS. 1. EVERY CABLE TELEVISION
4 COMPANY SHALL PROVIDE EACH SUBSCRIBER THE OPTION TO ACCESS CABLE CHAN-
5 NELS ON AN INDIVIDUAL BASIS. ANY CABLE SUBSCRIBER SHALL BE PROVIDED THE
6 ABILITY TO DETERMINE EACH CABLE CHANNEL THAT IS DELIVERED TO HIS OR HER
7 HOUSE. A CABLE COMPANY MAY CONTINUE TO OFFER A GROUP OF CHANNELS AS A
8 PACKAGE DEAL WITH A PACKAGE RATE, PROVIDED THAT SUBSCRIBERS ARE NOT
9 REQUIRED TO PURCHASE CHANNELS AS A PACKAGE.
10 2. NOTWITHSTANDING THE PROVISIONS OF SECTION TWO HUNDRED TWENTY-FIVE
11 OF THIS ARTICLE TO THE CONTRARY, A CABLE TELEVISION COMPANY MAY NOT
12 CHARGE A SUBSCRIBER FOR ANY CHANNEL THAT THE SUBSCRIBER DOES NOT CHOOSE
13 TO PURCHASE.
14 3. ALL RATES CHARGED BY CABLE TELEVISION COMPANIES TO SUBSCRIBERS FOR
15 INDIVIDUAL CHANNELS SHALL BE FIRST SUBMITTED TO THE PUBLIC SERVICE
16 COMMISSION FOR APPROVAL. THE PUBLIC SERVICE COMMISSION SHALL ENSURE THAT
17 A CABLE TELEVISION COMPANY DOES NOT CHARGE AN INFLATED RATE FOR AN INDI-
18 VIDUAL CHANNEL IN AN ATTEMPT TO REQUIRE SUBSCRIBERS TO PURCHASE PACKAGE
19 DEALS. THE COMMISSION SHALL MAKE A DETERMINATION.
20 4. ANY SUBSCRIBER WHO IS DENIED THE ABILITY TO PURCHASE INDIVIDUAL
21 CHANNELS BY A CABLE TELEVISION COMPANY MAY BRING AN ACTION IN HIS OR HER
22 OWN NAME. SUCH PERSON SHALL BE ENTITLED TO HIS OR HER ACTUAL DAMAGES OR
23 FIVE HUNDRED DOLLARS, WHICHEVER IS GREATER. IN ADDITION TO ANY MONETARY

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

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1 AWARD, THE COURT SHALL ISSUE AN ORDER REQUIRING THE CABLE TELEVISION
2 COMPANY TO COMPLY WITH THE PROVISIONS OF THIS SECTION WITHIN FIFTEEN
3 DAYS. FAILURE TO COMPLY WITHIN THE FIFTEEN DAY PERIOD SHALL CONSTITUTE A
4 SEPARATE OFFENSE FOR WHICH THE SUBSCRIBER MAY BRING ANOTHER CAUSE OF
5 ACTION PURSUANT TO THIS SUBDIVISION.

6 5. FOR THE PURPOSES OF THIS SECTION, A "SUBSCRIBER" SHALL MEAN ANY
7 PERSON WHO IS CURRENTLY RECEIVING SERVICE FROM A CABLE TELEVISION COMPA-
8 NY, OR WHO IS SEEKING TO RECEIVE SERVICE FROM A CABLE TELEVISION COMPA-
9 NY.

10 S 2. This act shall take effect on the one hundred eightieth day after
11 it shall have become a law. Effective immediately, the public service
12 commission may implement any rule or regulation necessary to determine
13 the appropriate rate of charge for individual channels or the procedure
14 for submitting such rates to the commission.