

3730

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. DIAZ -- Multi-Sponsored by -- M. of A. BENJAMIN,  
CLARK, WEISENBERG -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to providing telephone equipment with the capability of voice dialing to certain persons with disabilities

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

1 Section 1. Paragraph (a) of subdivision 2 of section 92 of the public  
2 service law, as amended by chapter 517 of the laws of 1996, is amended  
3 to read as follows:  
4 (a) No change shall be made in any rate, charge or rental, or joint  
5 rate, charge or rental applicable to regulated basic services, switched  
6 carrier access services, charges for interconnection between local  
7 exchange carriers, and toll services within a local access and transport  
8 area which shall have been filed by a telegraph corporation or telephone  
9 corporation hereinafter in this subdivision called a utility in compli-  
10 ance with this chapter, except after thirty days' notice to the commis-  
11 sion and to each county, city, town and village served by such utility  
12 which had filed with such utility within the prior twelve months a  
13 request for such notice and shall be affected by such change and publi-  
14 cation of a notice to the public of such proposed change once in each  
15 week for four successive weeks in a newspaper having general circulation  
16 in each county containing territory affected by the proposed change. No  
17 other change shall be made in any rate, charge or rental, or joint rate,  
18 charge or rental filed by a utility, except after ten business days'  
19 notice to the commission and publication of one notice at least ten  
20 business days prior to the effective date of the change in a newspaper  
21 of general circulation in each county affected by the proposed change.  
22 Such notices shall plainly state the changes proposed and the time when  
23 they go into effect. For the purpose of this paragraph, "regulated basic

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

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1 services" are defined as: residential, individual business, and public  
2 access line network access, connection charges for such network access,  
3 local usage, local coin usage rates, tone dialing, access to emergency  
4 services, statewide relay services, operator assistance services, direc-  
5 tor listings, and provisions that affect privacy protections, AND ESSEN-  
6 TIAL TELEPHONE EQUIPMENT FOR PERSONS WITH DISABILITIES AS DEFINED IN  
7 SECTION NINETY-TWO-A OF THIS ARTICLE.

8 S 2. Section 92-a of the public service law, as amended by section 3  
9 of part H1 of chapter 62 of the laws of 2003, is amended to read as  
10 follows:

11 S 92-a. [Special] ESSENTIAL telephone equipment for hearing impaired  
12 persons AND OTHER PERSONS WITH DISABILITIES. 1. The commission shall  
13 require any regulated landline telephone corporation providing local  
14 exchange service to sell or lease [special] ESSENTIAL TELEPHONE EQUIP-  
15 MENT FOR PERSONS WITH DISABILITIES. "ESSENTIAL TELEPHONE EQUIPMENT FOR  
16 PERSONS WITH DISABILITIES" SHALL MEAN:

17 (A) telecommunication equipment to a person certified as hearing  
18 impaired where the addition of such equipment is necessary to enable  
19 such person to access and utilize the local exchange network;

20 (B) VOICE DIALING EQUIPMENT SOLD OR LEASED TO A PERSON WITH A VISUAL  
21 IMPAIRMENT WHERE THE ADDITION OF SUCH EQUIPMENT IS NECESSARY TO ENABLE  
22 SUCH PERSON TO ACCESS AND UTILIZE THE LOCAL EXCHANGE NETWORK; AND

23 (C) ANY OTHER EQUIPMENT IDENTIFIED IN THE RULES OF THE COMMISSION AS  
24 NECESSARY TO ENABLE A PERSON WITH A DISABILITY TO ACCESS AND UTILIZE THE  
25 LOCAL EXCHANGE NETWORK. The sale of such equipment shall be at an amount  
26 not to exceed the actual purchase price by the corporation and the lease  
27 of such equipment shall be at a rate to be determined by the commission.  
28 Any person who leases such equipment shall be permitted to apply the  
29 lease payments toward the equipment's purchase.

30 2. The commission shall authorize the establishment of the New York  
31 telecommunications relay service center. In developing a request for  
32 proposals to provide telecommunications relay service the commission  
33 shall include the following minimum provisions:

34 (a) The New York telecommunications relay service center shall be  
35 located within the municipality of Syracuse, New York;

36 (b) A minimum of eighty percent of all calls utilizing telecommuni-  
37 cations relay service must be routed to and through the New York tele-  
38 communications relay service center; and

39 (c) A contract to provide telecommunications relay service shall be  
40 renewable for up to five years, and the commission shall be empowered to  
41 promulgate and adopt all regulations required to implement the terms of  
42 this subdivision.

43 S 3. This act shall take effect on the first of January next succeed-  
44 ing the date on which it shall have become a law; provided, however,  
45 that effective immediately the public service commission shall promul-  
46 gate any rules or regulations or take any other action necessary to  
47 ensure the timely implementation of this act on its effective date; and  
48 provided further, that the amendments to section 92-a of the public  
49 service law made by section two of this act shall survive the expiration  
50 and reversion set forth in section 4 of part H1 of chapter 62 of the  
51 laws of 2003, as amended.