S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. ALESSI, FIELDS, CAHILL, ESPAILLAT, SCHIMEL, MAGNARELLI, RUSSELL, COLTON -- Multi-Sponsored by -- M. of A. McDONOUGH, RAIA, SALADINO, SPANO, TOWNSEND -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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 telecommunications and cable call centers

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

Section 1. Subdivision 11 of section 65 of the public service law, as added by chapter 693 of the laws of 1985, is renumbered subdivision 12 and a new subdivision 13 is added to read as follows:

13. (A) EVERY TELECOMMUNICATION CORPORATION AND THEIR SUBSIDIARIES FURNISHING TRADITIONAL LANDLINE TELEPHONE SERVICE, FIBER OPTIC SERVICE, VOICE OVER INTERNET PROTOCOL (VOIP), DATA CIRCUITS, CABLE OR INTERNET SERVICES SHALL PROVIDE CALL CENTER SERVICE ASSISTANCE INCLUDING, BUT NOT LIMITED TO OPERATOR SERVICES, DIRECTORY ASSISTANCE BUREAUS AND CALL COMPLETION SERVICES FOR THE FOLLOWING:

(1) DETERMINING CUSTOMER FINANCIAL RESPONSIBILITY;

(2) TAKING REQUESTS FOR NEW OR ADDITIONAL SERVICES, INCLUDING, BUT NOT LIMITED TO, EMERGENCY SERVICE, COMPLETING ASSISTANCE WITH DIALING, USING CALLING CARDS, CONNECTING COLLECT CALLS, BUSY LINE VERIFICATION OR RELAY CENTERS FOR THE HEARING IMPAIRED, PROVIDING REQUESTED LOCAL AND NATIONAL TELEPHONE NUMBERS, REVERSE NUMBER SEARCHES AND TAKING REQUESTS FOR AND

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

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COMPLETING THE PUBLISHING AND NON-PUBLISHING OF A TELEPHONE NUMBER, AND PROVIDING ASSISTANCE TO PAYPHONE CUSTOMERS;

(3) DETERMINING DEPOSIT REQUIRED OR BILLING RATE;

(4) PREPARING INSTALLATION AND REPAIR SERVICE ORDERS AND OBTAINING ACCESS TO SUBSCRIBER'S PREMISES;

(5) EXPLAINING COMPANY RATES, REGULATIONS, POLICIES, PROCEDURES, EQUIPMENT AND COMMON PRACTICES;

(6) INVESTIGATING TROUBLE ORDER FORMS AND INITIATING HIGH BILL INVESTIGATIONS;

(7) HANDLING PAYMENT AND OTHER CREDIT ARRANGEMENTS SUCH AS OBTAINING DEPOSITS, FINANCIAL STATEMENTS AND PAYMENT PLANS; AND

(8) AIDING CUSTOMERS WITH INTERNAL ASSISTANCE PROGRAMS.

(B) NO TELECOMMUNICATION CORPORATION SHALL CLOSE A CALL CENTER OR OTHER FACILITY PROVIDING THE CUSTOMER ASSISTANCE SET FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION OR RELOCATE SUCH CUSTOMER ASSISTANCE TO ANOTHER AREA OF NEW YORK STATE OR OUTSIDE OF NEW YORK STATE WITHOUT NOTICE AND HEARING BEFORE THE COMMISSION. HOWEVER, AT NO TIME SHALL A TELECOMMUNICATION CORPORATION PERMANENTLY TRANSFER MORE THAN .7 PERCENT OF JOBS FROM ANY CALL CENTER DESCRIBED ABOVE TO ANOTHER AREA OF NEW YORK STATE OR OUTSIDE OF THE STATE AND A VALID COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT THAT GOVERNS PERMANENT TRANSFER PERCENTAGES OF CALL CENTER JOBS SHALL SUPERSEDE THE .7 PERCENT JOB TRANSFER RATE DESCRIBED ABOVE.

(C) THIS SUBDIVISION SHALL NOT APPLY TO THE COLLECTION OF DEBT WHEREBY UTILITY COMPANY POLICY SUCH DEBT IS DIRECTED TO A COLLECTION AGENCY OR SIMILAR SERVICE COMPANIES OR WHERE THE ATTENDANCE OF CALL CENTER EMPLOYEES IS LESS THAN NINETY PERCENT IN ANY GIVEN MONTH, THIS SECTION SHALL NOT APPLY FOR THE FOLLOWING MONTH. ATTENDANCE FOR THIS SECTION SHALL BE DEFINED WHEN AN EMPLOYEE IS EXPECTED TO REPORT TO WORK AS SCHEDULED. IF A COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT DEFINES ATTENDANCE THEN THAT SHALL SUPERSEDE THE DEFINITION ABOVE. IF ATTENDANCE FALLS BELOW NINETY PERCENT AS A DIRECT RESULT OF THE CORPORATION THEN THIS SECTION SHALL APPLY.

S 2. The general business law is amended by adding a new section 399-zzz to read as follows:

S 399-ZZZ. CABLE COMPANY CALL CENTERS. (A) EVERY CABLE CORPORATION AND THEIR SUBSIDIARIES FURNISHING TRADITIONAL LANDLINE TELEPHONE SERVICE, FIBER OPTIC SERVICE, VOICE OVER INTERNET PROTOCOL (VOIP), DATA CIRCUITS, CABLE OR INTERNET SERVICES SHALL PROVIDE CALL CENTER SERVICE ASSISTANCE INCLUDING, BUT NOT LIMITED TO OPERATOR SERVICES, DIRECTOR ASSISTANCE BUREAUS AND CALL COMPLETION SERVICES FOR THE FOLLOWING:

(1) DETERMINING CUSTOMER FINANCIAL RESPONSIBILITY;

(2) TAKING REQUESTS FOR NEW OR ADDITIONAL SERVICES, INCLUDING, BUT NOT LIMITED TO, EMERGENCY SERVICE, COMPLETING ASSISTANCE WITH DIALING, USING CALLING CARDS, CONNECTING COLLECT CALLS, BUSY LINE VERIFICATION OR RELAY CENTERS FOR THE HEARING IMPAIRED, PROVIDING REQUESTED LOCAL AND NATIONAL TELEPHONE NUMBERS, REVERSE NUMBER SEARCHES AND TAKING REQUESTS FOR AND COMPLETING THE PUBLISHING AND NON-PUBLISHING OF A TELEPHONE NUMBER, AND PROVIDING ASSISTANCE TO PAYPHONE CUSTOMERS;

(3) DETERMINING DEPOSIT REQUIRED OR BILLING RATE;

(4) PREPARING INSTALLATION AND REPAIR SERVICE ORDERS AND OBTAINING ACCESS TO SUBSCRIBER'S PREMISES;

(5) EXPLAINING COMPANY RATES, REGULATIONS, POLICIES, PROCEDURES, EQUIPMENT AND COMMON PRACTICES;

(6) INVESTIGATING TROUBLE ORDER FORMS AND INITIATING HIGH BILL INVESTIGATIONS;

(7) HANDLING PAYMENT AND OTHER CREDIT ARRANGEMENTS SUCH AS OBTAINING DEPOSITS, FINANCIAL STATEMENTS AND PAYMENT PLANS; AND

(8) AIDING CUSTOMERS WITH INTERNAL ASSISTANCE PROGRAMS.

(B) NO CABLE CORPORATION SHALL CLOSE A CALL CENTER OR OTHER FACILITY PROVIDING THE CUSTOMER ASSISTANCE SET FORTH IN SUBDIVISION (A) OF THIS SECTION OR RELOCATE SUCH CUSTOMER ASSISTANCE TO ANOTHER AREA OF NEW YORK STATE OR OUTSIDE OF NEW YORK STATE WITHOUT NOTICE AND HEARING BEFORE THE COMMISSION. HOWEVER, AT NO TIME SHALL A CABLE CORPORATION PERMANENTLY TRANSFER MORE THAN .7 PERCENT OF JOBS FROM ANY CALL CENTER DESCRIBED ABOVE TO ANOTHER AREA OF NEW YORK STATE OR OUTSIDE OF THE STATE AND A VALID COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT THAT GOVERNS PERMANENT TRANSFER PERCENTAGES OF CALL CENTER JOBS SHALL SUPERSEDE THE .7 PERCENT JOB TRANSFER RATE DESCRIBED ABOVE.

(C) THIS SUBDIVISION SHALL NOT APPLY TO THE COLLECTION OF DEBT WHEREBY UTILITY COMPANY POLICY SUCH DEBT IS DIRECTED TO A COLLECTION AGENCY OR SIMILAR SERVICE COMPANIES OR WHERE THE ATTENDANCE OF CALL CENTER EMPLOYEES IS LESS THAN NINETY PERCENT IN ANY GIVEN MONTH THIS SECTION SHALL NOT APPLY FOR THE FOLLOWING MONTH. ATTENDANCE FOR THIS SECTION SHALL BE DEFINED WHEN AN EMPLOYEE IS EXPECTED TO REPORT TO WORK AS SCHEDULED. IF A COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT DEFINES ATTENDANCE THEN THAT SHALL SUPERSEDE THE DEFINITION ABOVE. IF ATTENDANCE FALLS BELOW NINETY PERCENT AS A DIRECT RESULT OF THE CORPORATION THEN THIS SECTION SHALL APPLY.

S 3. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that the public service commission is immediately authorized and directed to take any and all actions, including but not limited to the promulgation of any rules or regulations necessary to implement the provisions of this act on such effective date.