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

5226

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. GIANARIS, DINOWITZ, DIAZ, COLTON, ESPAILLAT, POWELL -- Multi-Sponsored by -- M. of A. CLARK, GLICK, GOTTFRIED, JACOBS, MILLMAN, WRIGHT -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to charges for telephone service on a by the second basis

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

Section 1. Subdivision 1 of section 91 of the public service law, as added by chapter 673 of the laws of 1910, is amended to read as follows:

1. Every telegraph corporation and every telephone corporation shall furnish and provide with respect to its business such instrumentalities and facilities as shall be adequate and in all respects just and reasonable. All charges made or demanded by any telegraph corporation or telephone corporation for any service rendered or to be rendered in connection therewith shall be just and reasonable and not more than allowed by law or by order of the commission. EVERY CHARGE FOR TELECOMMUNICATIONS SERVICE, WHETHER BY MEANS OF A TELEPHONE LINE OR BY MEANS OF CELLULAR RADIO COMMUNICATION, MADE ON THE BASIS OF THE DURATION OF THE COMMUNICATION SHALL BE CHARGED AND PRORATED BY THE SECOND. Every unjust or unreasonable charge made or demanded for any such service or in connection therewith or in excess of that allowed by law or by order of the commission is prohibited and declared to be unlawful.

S 2. The section heading of section 92-c of the public service law, as added by chapter 697 of the laws of 1990, is amended, subdivision 1 is amended by adding a new paragraph (c) and a new subdivision 12 is added to read as follows:

Customer service requirements for AGGREGATORS, alternate operator service providers and COCOT service providers.

(C) THE TERM "AGGREGATOR" MEANS ANY HOTEL, MOTEL, INNKEEPER, SCHOOL OR HOSPITAL WHICH IS NOT A TELEGRAPH CORPORATION OR TELEPHONE CORPORATION,

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

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WHICH, IN THE ORDINARY COURSE OF BUSINESS, MAKES AVAILABLE FOR PUBLIC USE TELEPHONES OR TELEPHONE EQUIPMENT. SUCH TERM SHALL ALSO INCLUDE ANY HOTEL, MOTEL, INNKEEPER, SCHOOL OR HOSPITAL WHICH IMPOSES ANY CHARGE OR RECEIVES ANY COMPENSATION BY CONTRACT, TARIFF OR OTHERWISE FOR CALLS MADE FROM A TELEPHONE PROVIDED IN A GUEST ROOM, DORMITORY, HOSPITAL ROOM OR OTHER PREMISES UNDER THE CONTROL OF SUCH ENTITY TO AN ALTERNATE OPERATOR SERVICE PROVIDER. THE TERM AGGREGATOR ALSO INCLUDES ANY UNIVERSITY, PROVIDED, THAT INCLUSION IN SUCH DEFINITION SHALL IN NO WAY AFFECT THE TAX-EXEMPT OR ANY OTHER STATUS OF ANY SUCH UNIVERSITY UNDER THE EDUCATION LAW, TAX LAW OR NOT-FOR-PROFIT CORPORATION LAW, OR ANY OTHER PROVISION OF LAW, RULE OR REGULATION RELATING THERETO.

12. EVERY CHARGE FOR TELECOMMUNICATIONS SERVICE BY AN ALTERNATE OPERATOR SERVICE PROVIDER, COCOT SERVICE PROVIDER OR AGGREGATOR, WHETHER BY MEANS OF A TELEPHONE LINE OR BY MEANS OF CELLULAR RADIO COMMUNICATION, MADE ON THE BASIS OF THE DURATION OF THE COMMUNICATION SHALL BE CHARGED AND PRORATED BY THE SECOND.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided that the public service commission is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.