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

1064

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to the establishment of investigation, hearing and determination procedures with respect to the creation of new area codes

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

Section 1. Legislative findings and intent. Telephone numbering resources are limited and at times it may be necessary, as more numbers and local exchange codes are utilized, to create new area codes. Area code changes are a major burden because new area codes cause confusion to callers and potential safety issues when hospitals, ambulances, and public health and safety institutions are required to change their telephone numbers; the records for E911, which include telephone numbers, need to be changed when area codes change; errors in record changes can result in serious health, safety, and welfare concerns; and the accuracy of telephone numbers is a security issue if contacts are not reachable because of outdated area codes on old contact lists.

The legislature finds that businesses suffer economic harm when their area codes are changed if they are required to advertise the new numbers, contact existing customers, and revise all stationery showing their new telephone number, and they face the possibility of losing business during area code transition periods when customers use an old number.

The legislature further finds that greater regulatory vigilance is needed to ensure that numbers or exchange codes do not become unnecessarily stranded due to inadvertent oversupply of numbering resources where they are not really needed.

S 2. The public service law is amended by adding a new section 96-a to read as follows:

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

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S 96-A. INVESTIGATION, HEARING, AND DETERMINATIONS REGARDING NUMBER CONSERVATION, NUMBER RESOURCE RECLAMATION, AND CONSIDERATION OF ALTERNATIVES PRIOR TO IMPLEMENTATION OF NEW AREA CODES. 1. IT IS HEREBY DECLARED TO BE THE POLICY OF THE STATE, AND IN THE PUBLIC HEALTH, WELFARE, AND PUBLIC INTEREST, TO AVOID UNNECESSARY TELEPHONE AREA CODE CHANGES THROUGH CONSERVATION OF NUMBERING RESOURCES AND RECLAMATION OF UNDERUTILIZED NUMBERING RESOURCES.

2. THE COMMISSION SHALL ADOPT REGULATIONS FOR CONSERVATION OF NUMBERING RESOURCES AND FOR RECLAMATION OF UNDERUTILIZED NUMBERING RESOURCES.

3. PRIOR TO IMPLEMENTING ANY NEW AREA CODE, THE COMMISSION SHALL:

A. CONDUCT AN INVESTIGATION TO DETERMINE WHETHER NUMBER CONSERVATION POLICIES AND RULES HAVE BEEN FOLLOWED, WHETHER FOR ANY REASON NUMBERING RESOURCES ARE OVERSUPPLIED IN ANY AREAS WHERE THEY ARE NOT REQUIRED TO MEET LOCAL NEEDS, AND IDENTIFY ALTERNATIVES, INCLUDING WHETHER REALLOCATION AND RECLAMATION OF NUMBERING RESOURCES, INCLUDING EXCHANGE CODES, COULD MEET NEEDS WITH LESS COST AND INCONVENIENCE THAN CREATION OF A NEW AREA CODE.

B. APPOINT AN ADMINISTRATIVE LAW JUDGE TO HOLD PUBLIC EVIDENTIARY HEARINGS, HEAR EVIDENCE REGARDING THE NEED FOR A NEW AREA CODE, ANY OVERSUPPLY OF NUMBERING RESOURCES, AND EVIDENCE REGARDING ALTERNATIVES SUCH AS REALLOCATION OF EXISTING RESOURCES, AND ISSUE A RECOMMENDED DECISION WHICH ADDRESSES THE NEED FOR A NEW AREA CODE AND CONSIDERS THE COMPARATIVE COSTS AND BENEFITS OF RECLAIMING UNDERUTILIZED EXCHANGE CODES WITH THE COST AND BENEFITS OF IMPLEMENTING A NEW AREA CODE.

S 3. This act shall take effect immediately and shall apply to any pending commission proceedings regarding creation of new area codes.