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

11643

I N A S S E M B L Y

July 6, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. M. Miller) -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to requiring cable companies to provide notice to their customers of scheduled maintenance

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

Section 1. The public service law is amended by adding a new section 231 to read as follows:

S 231. NOTICE FOR SERVICE OUTAGE FOR SCHEDULED MAINTENANCE. 1. EVERY CABLE TELEVISION COMPANY PROVIDING CABLE, INTERNET OR TELEPHONE SERVICES, OR ANY COMBINATION THEREOF, THROUGH CABLE OR BROADBAND CONNECTION SHALL PROVIDE AT LEAST FORTY-EIGHT HOURS NOTICE TO SUBSCRIBERS AFFECTED BY ANY SERVICE OUTAGE RESULTING FROM SCHEDULED MAINTENANCE.

2. SUCH NOTICE MAY BE PROVIDED THROUGH EMAIL, MAIL, TELEPHONE COMMUNICATION OR TEXT MESSAGING, BUT SHALL INCLUDE, AT A MINIMUM:

(A) WHAT THE SCHEDULED MAINTENANCE ENTAILS;

(B) AN ESTIMATE OF WHEN AND THE DURATION OF SUCH MAINTENANCE; AND

(C) WHAT SERVICES MAY BE AFFECTED BY SUCH MAINTENANCE.

3. THE MINIMUM CREDIT FOR A SERVICE OUTAGE SHALL BE EQUAL TO TWO TIMES THE VALUE OF THE SERVICE LOST. THE VALUE OF THE SERVICE LOST SHALL BE DETERMINED BY THE AVERAGE APPLICABLE MONTHLY CHARGE DIVIDED BY THE ACTUAL TIME LOST. ALL CREDITS SHALL BE APPLIED TO A SUBSCRIBER'S ACCOUNT WITHIN TWO BILLING CYCLES AFTER THE SERVICE OUTAGE AND SHALL BE REFLECTED ON THE SUBSCRIBER'S BILLING STATEMENT. THE BILLING STATEMENT SHALL SET FORTH THE METHOD BY WHICH THE CREDIT WAS CALCULATED.

4. THIS SECTION SHALL NOT APPLY TO ANY INTERRUPTION IN SERVICE THAT OCCURS AS A RESULT OF NONPAYMENT OF A PREVIOUSLY DUE ACCOUNT.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Provided, 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, necessary to fully implement the provisions of this act on its effective date.

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

LBD17371-01-0