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

3597

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. CROUCH, BALL, FINCH, SAYWARD, McKEVITT, REILICH -- Multi-Sponsored by -- M. of A. HAWLEY, MAYERSOHN, McDONOUGH, THIELE -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to providing customers the right to choose the stations that they wish to receive

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 225-a to read as follows:

S 225-A. CABLE SUBSCRIBERS RIGHT TO ACCESS. 1. EVERY CABLE TELEVISION COMPANY SHALL PROVIDE EACH SUBSCRIBER THE OPTION TO ACCESS CABLE CHANNELS ON AN INDIVIDUAL BASIS. ANY CABLE SUBSCRIBER SHALL BE PROVIDED THE ABILITY TO DETERMINE EACH CABLE CHANNEL THAT IS DELIVERED TO HIS OR HER HOUSE. A CABLE COMPANY MAY CONTINUE TO OFFER A GROUP OF CHANNELS AS A PACKAGE DEAL WITH A PACKAGE RATE, PROVIDED THAT SUBSCRIBERS ARE NOT REQUIRED TO PURCHASE CHANNELS AS A PACKAGE.

2. NOTWITHSTANDING THE PROVISIONS OF SECTION TWO HUNDRED TWENTY-FIVE OF THIS ARTICLE TO THE CONTRARY, A CABLE TELEVISION COMPANY MAY NOT CHARGE A SUBSCRIBER FOR ANY CHANNEL THAT THE SUBSCRIBER DOES NOT CHOOSE TO PURCHASE.

3. ALL RATES CHARGED BY CABLE TELEVISION COMPANIES TO SUBSCRIBERS FOR INDIVIDUAL CHANNELS SHALL BE FIRST SUBMITTED TO THE PUBLIC SERVICE COMMISSION FOR APPROVAL. THE PUBLIC SERVICE COMMISSION SHALL ENSURE THAT A CABLE TELEVISION COMPANY DOES NOT CHARGE AN INFLATED RATE FOR AN INDIVIDUAL CHANNEL IN AN ATTEMPT TO REQUIRE SUBSCRIBERS TO PURCHASE PACKAGE DEALS. THE COMMISSION SHALL MAKE A DETERMINATION.

4. ANY SUBSCRIBER WHO IS DENIED THE ABILITY TO PURCHASE INDIVIDUAL CHANNELS BY A CABLE TELEVISION COMPANY MAY BRING AN ACTION IN HIS OR HER OWN NAME. SUCH PERSON SHALL BE ENTITLED TO HIS OR HER ACTUAL DAMAGES OR FIVE HUNDRED DOLLARS, WHICHEVER IS GREATER. IN ADDITION TO ANY MONETARY

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

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AWARD, THE COURT SHALL ISSUE AN ORDER REQUIRING THE CABLE TELEVISION COMPANY TO COMPLY WITH THE PROVISIONS OF THIS SECTION WITHIN FIFTEEN DAYS. FAILURE TO COMPLY WITHIN THE FIFTEEN DAY PERIOD SHALL CONSTITUTE A SEPARATE OFFENSE FOR WHICH THE SUBSCRIBER MAY BRING ANOTHER CAUSE OF ACTION PURSUANT TO THIS SUBDIVISION.

5. FOR THE PURPOSES OF THIS SECTION, A "SUBSCRIBER" SHALL MEAN ANY PERSON WHO IS CURRENTLY RECEIVING SERVICE FROM A CABLE TELEVISION COMPANY, OR WHO IS SEEKING TO RECEIVE SERVICE FROM A CABLE TELEVISION COMPANY.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the public service commission may implement any rule or regulation necessary to determine the appropriate rate of charge for individual channels or the procedure for submitting such rates to the commission.