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

3730

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. DIAZ -- Multi-Sponsored by -- M. of A. BENJAMIN, CLARK, WEISENBERG -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to providing telephone equipment with the capability of voice dialing to certain persons with disabilities

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

Section 1. Paragraph (a) of subdivision 2 of section 92 of the public service law, as amended by chapter 517 of the laws of 1996, is amended to read as follows:

(a) No change shall be made in any rate, charge or rental, or joint rate, charge or rental applicable to regulated basic services, switched carrier access services, charges for interconnection between local exchange carriers, and toll services within a local access and transport area which shall have been filed by a telegraph corporation or telephone corporation hereinafter in this subdivision called a utility in compliance with this chapter, except after thirty days' notice to the commission and to each county, city, town and village served by such utility which had filed with such utility within the prior twelve months a request for such notice and shall be affected by such change and publication of a notice to the public of such proposed change once in each week for four successive weeks in a newspaper having general circulation in each county containing territory affected by the proposed change. No other change shall be made in any rate, charge or rental, or joint rate, charge or rental filed by a utility, except after ten business days' notice to the commission and publication of one notice at least ten business days prior to the effective date of the change in a newspaper of general circulation in each county affected by the proposed change. Such notices shall plainly state the changes proposed and the time when they go into effect. For the purpose of this paragraph, "regulated basic

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

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services" are defined as: residential, individual business, and public access line network access, connection charges for such network access, local usage, local coin usage rates, tone dialing, access to emergency services, statewide relay services, operator assistance services, director listings, and provisions that affect privacy protections, AND ESSENTIAL TELEPHONE EQUIPMENT FOR PERSONS WITH DISABILITIES AS DEFINED IN SECTION NINETY-TWO-A OF THIS ARTICLE.

S 2. Section 92-a of the public service law, as amended by section 3 of part H1 of chapter 62 of the laws of 2003, is amended to read as follows:

S 92-a. [Special] ESSENTIAL telephone equipment for hearing impaired persons AND OTHER PERSONS WITH DISABILITIES. 1. The commission shall require any regulated landline telephone corporation providing local exchange service to sell or lease [special] ESSENTIAL TELEPHONE EQUIPMENT FOR PERSONS WITH DISABILITIES. "ESSENTIAL TELEPHONE EQUIPMENT FOR PERSONS WITH DISABILITIES" SHALL MEAN:

(A) telecommunication equipment to a person certified as hearing impaired where the addition of such equipment is necessary to enable such person to access and utilize the local exchange network;

(B) VOICE DIALING EQUIPMENT SOLD OR LEASED TO A PERSON WITH A VISUAL IMPAIRMENT WHERE THE ADDITION OF SUCH EQUIPMENT IS NECESSARY TO ENABLE SUCH PERSON TO ACCESS AND UTILIZE THE LOCAL EXCHANGE NETWORK; AND

(C) ANY OTHER EQUIPMENT IDENTIFIED IN THE RULES OF THE COMMISSION AS NECESSARY TO ENABLE A PERSON WITH A DISABILITY TO ACCESS AND UTILIZE THE LOCAL EXCHANGE NETWORK. The sale of such equipment shall be at an amount not to exceed the actual purchase price by the corporation and the lease of such equipment shall be at a rate to be determined by the commission. Any person who leases such equipment shall be permitted to apply the lease payments toward the equipment's purchase.

2. The commission shall authorize the establishment of the New York telecommunications relay service center. In developing a request for proposals to provide telecommunications relay service the commission shall include the following minimum provisions:

(a) The New York telecommunications relay service center shall be located within the municipality of Syracuse, New York;

(b) A minimum of eighty percent of all calls utilizing telecommunications relay service must be routed to and through the New York telecommunications relay service center; and

(c) A contract to provide telecommunications relay service shall be renewable for up to five years, and the commission shall be empowered to promulgate and adopt all regulations required to implement the terms of this subdivision.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that effective immediately the public service commission shall promulgate any rules or regulations or take any other action necessary to ensure the timely implementation of this act on its effective date; and provided further, that the amendments to section 92-a of the public service law made by section two of this act shall survive the expiration and reversion set forth in section 4 of part H1 of chapter 62 of the laws of 2003, as amended.