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

4967--C

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY, PHEFFER, NOLAN, TITONE -- read once and referred to the Committee on Corporations, Authorities and Commissions -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to providing for the identification of federal and state assistance programs which qualify recipients for telephone Lifeline service

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 92-g to read as follows:

S 92-G. QUALIFICATION FOR TELEPHONE LIFELINE SERVICE. 1. THE COMMISSION SHALL ADOPT RULES AND REGULATIONS, IN ACCORDANCE WITH FEDERAL LAWS AND REGULATIONS, WHICH WOULD REQUIRE THAT EVERY TELEPHONE CORPORATION OFFERING A RETAIL LOCAL SERVICE THAT IS DEFINED PURSUANT TO SUBPART E OF PART FIFTY-FOUR OF TITLE FORTY-SEVEN OF THE CODE OF FEDERAL REGULATIONS AS A LIFELINE SERVICE AND RECEIVING FEDERAL UNIVERSAL SERVICE SUPPORT PURSUANT TO SUCH SUBPART FOR SUCH SERVICE PROVIDE SUCH SERVICE TO ALL CUSTOMERS WHO ARE IDENTIFIED BY SUCH COMPANY THROUGH CUSTOMER SUPPLIED INFORMATION OR THROUGH INFORMATION SUPPLIED BY A THIRD PARTY AS A PARTICIPANT OR ELIGIBLE TO BE A PARTICIPANT IN:

(A) ANY OF THE FOLLOWING FEDERAL OR STATE ASSISTANCE PROGRAMS:

(I) MEDICAID,

(II) FOOD STAMPS,

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

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(III) SUPPLEMENTAL SECURITY INCOME,
(IV) LOW-INCOME HOME ENERGY ASSISTANCE,
(V) STATE FAMILY ASSISTANCE,
(VI) STATE SAFETY NET ASSISTANCE,
(VII) VETERAN'S DISABILITY PENSION,
(VIII) VETERAN'S SURVIVING SPOUSE PENSION,
(IX) NATIONAL SCHOOL LUNCH PROGRAM,
(X) STATE EARNED INCOME TAX CREDIT, OR
(XI) CHILD HEALTH PLUS, AS A RECIPIENT OF FREE OR SUBSIDIZED HEALTH COVERAGE, OR FAMILY HEALTH PLUS; OR

(B) SUCH ADDITIONAL FEDERAL OR STATE ASSISTANCE PROGRAMS AS MAY BE DESIGNATED BY THE COMMISSION AS A PROGRAM THAT WILL QUALIFY THE PARTICIPANT FOR SUCH LIFELINE RATE.

2. THE COMMISSION SHALL ADOPT RULES AND REGULATIONS, IN ACCORDANCE WITH FEDERAL LAWS AND REGULATIONS, ESTABLISHING ELIGIBILITY CRITERIA FOR CONSUMERS THAT ARE NOT ENROLLED IN FEDERAL OR STATE ASSISTANCE PROGRAMS THAT WOULD QUALIFY SUCH CONSUMERS FOR SUCH LIFELINE RATE. FOR THE PURPOSES OF THIS SECTION, THE COMMISSION SHALL USE SOLELY INCOME OR OTHER FACTORS DIRECTLY RELATED TO INCOME IN DETERMINING THE ELIGIBILITY CRITERIA.

3. THE COMMISSION WILL ALSO ESTABLISH RULES REQUIRING EVERY CABLE TELEVISION COMPANY, AS DEFINED IN SECTION TWO HUNDRED TWELVE OF THIS CHAPTER THAT PROVIDES TELEPHONE SERVICE TO CUSTOMERS IN NEW YORK, TO CONTRIBUTE TO THE TARGETED ASSISTANCE FUND TO HELP SUPPORT COMPANIES THAT CHOOSE TO OFFER LIFELINE SERVICE TO THEIR CUSTOMERS.

4. FOR PURPOSES OF THIS SECTION, THE "TARGETED ASSISTANCE FUND" IS A FUND CREATED IN PUBLIC SERVICE COMMISSION CASE 06-02-1998, AND WAS DESIGNED BY THE COMMISSION TO FUND PROGRAMS SUCH AS LIFELINE, EMERGENCY SERVICES (E911), AND THE TELECOMMUNICATIONS RELAY SERVICE FOR THE HEARING IMPAIRED (TRS), ON A COMPETITIVELY NEUTRAL BASIS.

S 2. This act shall take effect January 1, 2011.