

5226

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. GIANARIS, DINOWITZ, DIAZ, COLTON, ESPAILLAT,
POWELL -- Multi-Sponsored by -- M. of A. CLARK, GLICK, GOTTFRIED,
JACOBS, MILLMAN, WRIGHT -- read once and referred to the Committee on
Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to charges for tele-
phone service on a by the second basis

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

1 Section 1. Subdivision 1 of section 91 of the public service law, as
2 added by chapter 673 of the laws of 1910, is amended to read as follows:
3 1. Every telegraph corporation and every telephone corporation shall
4 furnish and provide with respect to its business such instrumentalities
5 and facilities as shall be adequate and in all respects just and reason-
6 able. All charges made or demanded by any telegraph corporation or tele-
7 phone corporation for any service rendered or to be rendered in
8 connection therewith shall be just and reasonable and not more than
9 allowed by law or by order of the commission. EVERY CHARGE FOR TELECOM-
10 munications service, WHETHER BY MEANS OF A TELEPHONE LINE OR BY MEANS OF
11 cellular radio communication, MADE ON THE BASIS OF THE DURATION OF THE
12 communication shall be charged and prorated by the second. Every unjust
13 or unreasonable charge made or demanded for any such service or in
14 connection therewith or in excess of that allowed by law or by order of
15 the commission is prohibited and declared to be unlawful.
16 S 2. The section heading of section 92-c of the public service law, as
17 added by chapter 697 of the laws of 1990, is amended, subdivision 1 is
18 amended by adding a new paragraph (c) and a new subdivision 12 is added
19 to read as follows:
20 Customer service requirements for AGGREGATORS, alternate operator
21 service providers and COCOT service providers.
22 (C) THE TERM "AGGREGATOR" MEANS ANY HOTEL, MOTEL, INNKEEPER, SCHOOL OR
23 HOSPITAL WHICH IS NOT A TELEGRAPH CORPORATION OR TELEPHONE CORPORATION,

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

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1 WHICH, IN THE ORDINARY COURSE OF BUSINESS, MAKES AVAILABLE FOR PUBLIC
2 USE TELEPHONES OR TELEPHONE EQUIPMENT. SUCH TERM SHALL ALSO INCLUDE ANY
3 HOTEL, MOTEL, INNKEEPER, SCHOOL OR HOSPITAL WHICH IMPOSES ANY CHARGE OR
4 RECEIVES ANY COMPENSATION BY CONTRACT, TARIFF OR OTHERWISE FOR CALLS
5 MADE FROM A TELEPHONE PROVIDED IN A GUEST ROOM, DORMITORY, HOSPITAL ROOM
6 OR OTHER PREMISES UNDER THE CONTROL OF SUCH ENTITY TO AN ALTERNATE OPER-
7 ATOR SERVICE PROVIDER. THE TERM AGGREGATOR ALSO INCLUDES ANY UNIVERSI-
8 TY, PROVIDED, THAT INCLUSION IN SUCH DEFINITION SHALL IN NO WAY AFFECT
9 THE TAX-EXEMPT OR ANY OTHER STATUS OF ANY SUCH UNIVERSITY UNDER THE
10 EDUCATION LAW, TAX LAW OR NOT-FOR-PROFIT CORPORATION LAW, OR ANY OTHER
11 PROVISION OF LAW, RULE OR REGULATION RELATING THERETO.

12 12. EVERY CHARGE FOR TELECOMMUNICATIONS SERVICE BY AN ALTERNATE OPERA-
13 TOR SERVICE PROVIDER, COCOT SERVICE PROVIDER OR AGGREGATOR, WHETHER BY
14 MEANS OF A TELEPHONE LINE OR BY MEANS OF CELLULAR RADIO COMMUNICATION,
15 MADE ON THE BASIS OF THE DURATION OF THE COMMUNICATION SHALL BE CHARGED
16 AND PRORATED BY THE SECOND.

17 S 3. This act shall take effect on the one hundred eightieth day after
18 it shall have become a law; provided that the public service commission
19 is authorized to promulgate any and all rules and regulations and take
20 any other measures necessary to implement this act on its effective date
21 on or before such date.