

5386

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to providing credits for interruption of cable television, internet and telephone service provided through cable or broadband connections

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

- 1 Section 1. The public service law is amended by adding a new section
2 231 to read as follows:
3 S 231. CREDIT FOR SERVICE OUTAGE. 1. EVERY CABLE TELEVISION COMPANY
4 PROVIDING CABLE, INTERNET OR TELEPHONE SERVICES, OR ANY COMBINATION
5 THEREOF, THROUGH CABLE OR BROADBAND CONNECTION SHALL PROVIDE CREDIT TO
6 SUBSCRIBERS AFFECTED BY ANY SERVICE OUTAGE IN EXCESS OF FOUR CONTINUOUS
7 HOURS IN ACCORDANCE WITH SUBDIVISIONS TWO AND THREE OF THIS SECTION. THE
8 FOUR-HOUR PERIOD SHALL COMMENCE AT THE TIME THE CABLE TELEVISION COMPANY
9 FIRST BECOMES AWARE OF THE SERVICE OUTAGE.
10 2. WHENEVER A CABLE TELEVISION COMPANY MAY REASONABLY DETERMINE THE
11 EXISTENCE AND SCOPE OF SERVICE OUTAGE, WHICH SERVICE OUTAGE EXCEEDS FOUR
12 CONTINUOUS HOURS AND SOME PART OF WHICH OCCURS DURING THE HOURS OF SIX
13 A.M. TO TWELVE A.M., THE CABLE TELEVISION COMPANY SHALL AUTOMATICALLY
14 CREDIT THE ACCOUNT OF EACH AFFECTED SUBSCRIBER.
15 3. IN THE EVENT A CABLE TELEVISION COMPANY CANNOT DETERMINE ALL
16 SUBSCRIBERS AFFECTED BY A SERVICE OUTAGE IN EXCESS OF FOUR CONTINUOUS
17 HOURS OR NO PART OF SUCH OUTAGE OCCURS DURING THE HOURS OF SIX A.M. TO
18 TWELVE A.M., CREDIT SHALL BE GIVEN TO ANY ELIGIBLE SUBSCRIBER WHO MAKES
19 APPLICATION THEREFOR BY EITHER WRITTEN OR ORAL NOTICE WITHIN NINETY DAYS
20 OF SUCH SERVICE OUTAGE.
21 4. THE MINIMUM CREDIT FOR A SERVICE OUTAGE SHALL BE EQUAL TO ONE THIR-
22 TIETH TIMES THE APPLICABLE MONTHLY CHARGE FOR EACH TWENTY-FOUR HOUR
23 PERIOD DURING WHICH A SERVICE OUTAGE CONTINUES FOR AT LEAST FOUR HOURS.

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

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1 ALL CREDITS SHALL BE APPLIED TO A SUBSCRIBER'S ACCOUNT WITHIN TWO BILL-
2 ING CYCLES AFTER THE SERVICE OUTAGE OR THE SUBSCRIBERS' REQUEST PURSUANT
3 TO SUBDIVISION THREE OF THIS SECTION, AS APPLICABLE, AND SHALL BE
4 REFLECTED ON THE SUBSCRIBER'S BILLING STATEMENT. THE BILLING STATEMENT
5 SHALL SET FORTH THE METHOD BY WHICH THE CREDIT WAS CALCULATED.

6 5. A CABLE TELEVISION COMPANY SHALL BE RESPONSIBLE FOR EVERY SERVICE
7 OUTAGE EXCEPT FOR INTERRUPTION OF PROGRAMMING TO PROVIDE EMERGENCY
8 INFORMATION TO THE PUBLIC USING THE EMERGENCY ALERT SYSTEM AS REQUIRED
9 BY THE RULES OF THE FEDERAL COMMUNICATIONS COMMISSION AND FEDERAL EMER-
10 GENCY MANAGEMENT AGENCY.

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

13 7. AS USED IN THIS SECTION "SERVICE OUTAGE" SHALL MEAN A LOSS OF
14 PICTURE OR SOUND ON ALL BASIC CHANNELS OR ON ALL CHANNELS PROVIDED ON
15 ANY OTHER SERVICE TIER OR ON ONE OR MORE PREMIUM CHANNELS OR A LOSS OF
16 INTERNET OR TELEPHONE SERVICE OCCURRING DURING NORMAL OPERATING CONDI-
17 TIONS WHICH IS NOT CAUSED BY THE SUBSCRIBER OR BY THE SUBSCRIBER'S TELE-
18 VISION RECEIVER, COMPUTER EQUIPMENT OR TELEPHONE.

19 S 2. This act shall take effect on the one hundred twentieth day after
20 it shall have become a law. Provided, that the public service commission
21 is immediately authorized and directed to take any and all actions,
22 including but not limited to the promulgation of any necessary rules,
23 necessary to fully implement the provisions of this act on its effective
24 date.