

2317

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 18, 2011

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Introduced by M. of A. M. MILLER -- read once and referred to the  
Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to requiring cable  
companies to provide notice to their customers of scheduled maintenance

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. NOTICE FOR SERVICE OUTAGE FOR SCHEDULED MAINTENANCE. 1. EVERY  
4     CABLE TELEVISION COMPANY PROVIDING CABLE, INTERNET OR TELEPHONE  
5     SERVICES, OR ANY COMBINATION THEREOF, THROUGH CABLE OR BROADBAND  
6     CONNECTION SHALL PROVIDE AT LEAST FORTY-EIGHT HOURS NOTICE TO SUBSCRIB-  
7     ERS AFFECTED BY ANY SERVICE OUTAGE RESULTING FROM SCHEDULED MAINTENANCE.  
8     2. SUCH NOTICE MAY BE PROVIDED THROUGH EMAIL, MAIL, TELEPHONE COMMUNI-  
9     CATION OR TEXT MESSAGING, BUT SHALL INCLUDE, AT A MINIMUM:  
10    (A) WHAT THE SCHEDULED MAINTENANCE ENTAILS;  
11    (B) AN ESTIMATE OF WHEN AND THE DURATION OF SUCH MAINTENANCE; AND  
12    (C) WHAT SERVICES MAY BE AFFECTED BY SUCH MAINTENANCE.  
13    3. THE MINIMUM CREDIT FOR A SERVICE OUTAGE SHALL BE EQUAL TO TWO TIMES  
14    THE VALUE OF THE SERVICE LOST. THE VALUE OF THE SERVICE LOST SHALL BE  
15    DETERMINED BY THE AVERAGE APPLICABLE MONTHLY CHARGE DIVIDED BY THE ACTU-  
16    AL TIME LOST. ALL CREDITS SHALL BE APPLIED TO A SUBSCRIBER'S ACCOUNT  
17    WITHIN TWO BILLING CYCLES AFTER THE SERVICE OUTAGE AND SHALL BE  
18    REFLECTED ON THE SUBSCRIBER'S BILLING STATEMENT. THE BILLING STATEMENT  
19    SHALL SET FORTH THE METHOD BY WHICH THE CREDIT WAS CALCULATED.  
20    4. THIS SECTION SHALL NOT APPLY TO ANY INTERRUPTION IN SERVICE THAT  
21    OCCURS AS A RESULT OF NONPAYMENT OF A PREVIOUSLY DUE ACCOUNT.  
22    S 2. This act shall take effect on the one hundred twentieth day after  
23    it shall have become a law. Provided, that the public service commission  
24    is immediately authorized and directed to take any and all actions,  
25    including but not limited to the promulgation of any rules, necessary to  
26    fully implement the provisions of this act on its effective date.

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

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