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

6230

I N S E N A T E

January 17, 2012

Introduced by Sen. AVELLA -- 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 requiring negotiation of fair terms between cable television franchisees and competing independent cable channels

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

Section 1. Paragraph (b) of subdivision 2 of section 215 of the public service law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

(b) prescribe minimum standards for inclusion in franchises, including maximum initial and renewal terms; minimum channel capacity; provisions regarding access to, and facilities to make use of, channels for education and public service programs; a requirement that no such franchise may be exclusive; standards necessary or appropriate to protect the interests of viewers of free broadcast television and the public generally, which prohibit or limit cable television companies from prohibiting or entering into agreements prohibiting the sale or other transfer of rights for the simultaneous or subsequent transmission over free broadcast television of any program originated or transmitted over cable television; *PROVISIONS REQUIRING FRANCHISEES TO NEGOTIATE FAIRLY TO DETERMINE THE TERMS AND CONDITIONS UNDER WHICH COMPETING INDEPENDENT CABLE CHANNELS WILL BE CARRIED BY THE FRANCHISEE AND, IN THE EVENT SUCH AGREEMENT AS TO TERMS AND CONDITIONS CANNOT BE REACHED, PROVISIONS REQUIRING THE COMMISSION TO CONDUCT AN ARBITRATION OF THE MATTER;* and such other standards for inclusion in franchises as the commission shall deem necessary or appropriate to protect the public interest;

S 2. This act shall take effect immediately and shall apply to any agreement between cable television franchisees and competing independent cable channels entered into on or after January 1, 2011.

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

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