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I N   S E N A T E

January 17, 2012

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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:

1     Section 1. Paragraph (b) of subdivision 2 of section 215 of the public  
2     service law, as added by chapter 83 of the laws of 1995, is amended to  
3     read as follows:  
4     (b) prescribe minimum standards for inclusion in franchises, including  
5     maximum initial and renewal terms; minimum channel capacity; provisions  
6     regarding access to, and facilities to make use of, channels for educa-  
7     tion and public service programs; a requirement that no such franchise  
8     may be exclusive; standards necessary or appropriate to protect the  
9     interests of viewers of free broadcast television and the public gener-  
10    ally, which prohibit or limit cable television companies from prohibit-  
11    ing or entering into agreements prohibiting the sale or other transfer  
12    of rights for the simultaneous or subsequent transmission over free  
13    broadcast television of any program originated or transmitted over cable  
14    television; PROVISIONS REQUIRING FRANCHISEES TO NEGOTIATE FAIRLY TO  
15    DETERMINE THE TERMS AND CONDITIONS UNDER WHICH COMPETING INDEPENDENT  
16    CABLE CHANNELS WILL BE CARRIED BY THE FRANCHISEE AND, IN THE EVENT SUCH  
17    AGREEMENT AS TO TERMS AND CONDITIONS CANNOT BE REACHED, PROVISIONS  
18    REQUIRING THE COMMISSION TO CONDUCT AN ARBITRATION OF THE MATTER; and  
19    such other standards for inclusion in franchises as the commission shall  
20    deem necessary or appropriate to protect the public interest;  
21    S 2. This act shall take effect immediately and shall apply to any  
22    agreement between cable television franchisees and competing independent  
23    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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