

1190

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. CAHILL, ABINANTI, SCHIMEL, MONTESANO, BENEDETTO, RAI, GOLDFEDER, JAFFEE, ROBINSON, MAGNARELLI, STEVENSON, GUNTHER, COLTON, MAISEL, ROSENTHAL, CASTRO, ROBERTS, SCARBOROUGH, ZEBROWSKI, CUSICK, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, BRINDISI, CRESPO, CROUCH, DINOWITZ, GALEF, GIBSON, GOTTFRIED, HEASTIE, JACOBS, LAVINE, MAGEE, MARKEY, McDONOUGH, MILLMAN, PERRY, RODRIGUEZ, SWEENEY, TENNEY, THIELE -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law and the general business law, in relation to telecommunications and cable call centers

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

- 1 Section 1. Section 65 of the public service law is amended by adding a
2 new subdivision 14 to read as follows:
3 14. (A) EVERY TELECOMMUNICATION CORPORATION AND THEIR SUBSIDIARIES
4 FURNISHING TRADITIONAL LANDLINE TELEPHONE SERVICE, FIBER OPTIC SERVICE,
5 VOICE OVER INTERNET PROTOCOL (VOIP), DATA CIRCUITS, CABLE OR INTERNET
6 SERVICES SHALL PROVIDE CALL CENTER SERVICE ASSISTANCE INCLUDING, BUT NOT
7 LIMITED TO OPERATOR SERVICES, DIRECTORY ASSISTANCE BUREAUS AND CALL
8 COMPLETION SERVICES FOR THE FOLLOWING:
9 (1) DETERMINING CUSTOMER FINANCIAL RESPONSIBILITY;
10 (2) TAKING REQUESTS FOR NEW OR ADDITIONAL SERVICES, INCLUDING, BUT NOT
11 LIMITED TO, EMERGENCY SERVICE, COMPLETING ASSISTANCE WITH DIALING, USING
12 CALLING CARDS, CONNECTING COLLECT CALLS, BUSY LINE VERIFICATION OR RELAY
13 CENTERS FOR THE HEARING IMPAIRED, PROVIDING REQUESTED LOCAL AND NATIONAL
14 TELEPHONE NUMBERS, REVERSE NUMBER SEARCHES AND TAKING REQUESTS FOR AND
15 COMPLETING THE PUBLISHING AND NON-PUBLISHING OF A TELEPHONE NUMBER, AND
16 PROVIDING ASSISTANCE TO PAYPHONE CUSTOMERS;
17 (3) DETERMINING DEPOSIT REQUIRED OR BILLING RATE;

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

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1 (4) PREPARING INSTALLATION AND REPAIR SERVICE ORDERS AND OBTAINING
2 ACCESS TO SUBSCRIBER'S PREMISES;

3 (5) EXPLAINING COMPANY RATES, REGULATIONS, POLICIES, PROCEDURES,
4 EQUIPMENT AND COMMON PRACTICES;

5 (6) INVESTIGATING TROUBLE ORDER FORMS AND INITIATING HIGH BILL INVES-
6 TIGATIONS;

7 (7) HANDLING PAYMENT AND OTHER CREDIT ARRANGEMENTS SUCH AS OBTAINING
8 DEPOSITS, FINANCIAL STATEMENTS AND PAYMENT PLANS; AND

9 (8) AIDING CUSTOMERS WITH INTERNAL ASSISTANCE PROGRAMS.

10 (B) NO TELECOMMUNICATION CORPORATION SHALL CLOSE A CALL CENTER OR
11 OTHER FACILITY PROVIDING THE CUSTOMER ASSISTANCE SET FORTH IN PARAGRAPH
12 (A) OF THIS SUBDIVISION OR RELOCATE SUCH CUSTOMER ASSISTANCE TO ANOTHER
13 AREA OF THIS STATE OR OUTSIDE OF THIS STATE WITHOUT NOTICE AND HEARING
14 BEFORE THE COMMISSION. HOWEVER, AT NO TIME SHALL A TELECOMMUNICATION
15 CORPORATION PERMANENTLY TRANSFER MORE THAN .7 PERCENT OF JOBS FROM ANY
16 CALL CENTER DESCRIBED ABOVE TO ANOTHER AREA OF THIS STATE OR OUTSIDE OF
17 THE STATE AND A VALID COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT
18 CONTRACT THAT GOVERNS PERMANENT TRANSFER PERCENTAGES OF CALL CENTER JOBS
19 SHALL SUPERSEDE THE .7 PERCENT JOB TRANSFER RATE DESCRIBED ABOVE.

20 (C) THIS SUBDIVISION SHALL NOT APPLY TO THE COLLECTION OF DEBT WHEREBY
21 UTILITY COMPANY POLICY SUCH DEBT IS DIRECTED TO A COLLECTION AGENCY OR
22 SIMILAR SERVICE COMPANIES OR WHERE THE ATTENDANCE OF CALL CENTER EMPLOY-
23 EES IS LESS THAN NINETY PERCENT IN ANY GIVEN MONTH, THIS SECTION SHALL
24 NOT APPLY FOR THE FOLLOWING MONTH. ATTENDANCE FOR THIS SECTION SHALL BE
25 DEFINED WHEN AN EMPLOYEE IS EXPECTED TO REPORT TO WORK AS SCHEDULED. IF
26 A COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT DEFINES ATTEND-
27 ANCE THEN THAT SHALL SUPERSEDE THE DEFINITION ABOVE. IF ATTENDANCE FALLS
28 BELOW NINETY PERCENT AS A DIRECT RESULT OF THE CORPORATION THEN THIS
29 SECTION SHALL APPLY.

30 S 2. The general business law is amended by adding a new section 394-f
31 to read as follows:

32 S 394-F. CABLE COMPANY CALL CENTERS. (A) EVERY CABLE CORPORATION AND
33 THEIR SUBSIDIARIES FURNISHING TRADITIONAL LANDLINE TELEPHONE SERVICE,
34 FIBER OPTIC SERVICE, VOICE OVER INTERNET PROTOCOL (VOIP), DATA CIRCUITS,
35 CABLE OR INTERNET SERVICES SHALL PROVIDE CALL CENTER SERVICE ASSISTANCE
36 INCLUDING, BUT NOT LIMITED TO OPERATOR SERVICES, DIRECTOR ASSISTANCE
37 BUREAUS AND CALL COMPLETION SERVICES FOR THE FOLLOWING:

38 (1) DETERMINING CUSTOMER FINANCIAL RESPONSIBILITY;

39 (2) TAKING REQUESTS FOR NEW OR ADDITIONAL SERVICES, INCLUDING, BUT NOT
40 LIMITED TO, EMERGENCY SERVICE, COMPLETING ASSISTANCE WITH DIALING, USING
41 CALLING CARDS, CONNECTING COLLECT CALLS, BUSY LINE VERIFICATION OR RELAY
42 CENTERS FOR THE HEARING IMPAIRED, PROVIDING REQUESTED LOCAL AND NATIONAL
43 TELEPHONE NUMBERS, REVERSE NUMBER SEARCHES AND TAKING REQUESTS FOR AND
44 COMPLETING THE PUBLISHING AND NON-PUBLISHING OF A TELEPHONE NUMBER, AND
45 PROVIDING ASSISTANCE TO PAYPHONE CUSTOMERS;

46 (3) DETERMINING DEPOSIT REQUIRED OR BILLING RATE;

47 (4) PREPARING INSTALLATION AND REPAIR SERVICE ORDERS AND OBTAINING
48 ACCESS TO SUBSCRIBER'S PREMISES;

49 (5) EXPLAINING COMPANY RATES, REGULATIONS, POLICIES, PROCEDURES,
50 EQUIPMENT AND COMMON PRACTICES;

51 (6) INVESTIGATING TROUBLE ORDER FORMS AND INITIATING HIGH BILL INVES-
52 TIGATIONS;

53 (7) HANDLING PAYMENT AND OTHER CREDIT ARRANGEMENTS SUCH AS OBTAINING
54 DEPOSITS, FINANCIAL STATEMENTS AND PAYMENT PLANS; AND

55 (8) AIDING CUSTOMERS WITH INTERNAL ASSISTANCE PROGRAMS.

1 (B) NO CABLE CORPORATION SHALL CLOSE A CALL CENTER OR OTHER FACILITY
2 PROVIDING THE CUSTOMER ASSISTANCE SET FORTH IN SUBDIVISION (A) OF THIS
3 SECTION OR RELOCATE SUCH CUSTOMER ASSISTANCE TO ANOTHER AREA OF NEW YORK
4 STATE OR OUTSIDE OF THIS STATE WITHOUT NOTICE AND HEARING BEFORE THE
5 COMMISSION. HOWEVER, AT NO TIME SHALL A CABLE CORPORATION PERMANENTLY
6 TRANSFER MORE THAN .7 PERCENT OF JOBS FROM ANY CALL CENTER DESCRIBED
7 ABOVE TO ANOTHER AREA OF THIS STATE OR OUTSIDE OF THE STATE AND A VALID
8 COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT THAT GOVERNS
9 PERMANENT TRANSFER PERCENTAGES OF CALL CENTER JOBS SHALL SUPERSEDE THE
10 .7 PERCENT JOB TRANSFER RATE DESCRIBED ABOVE.

11 (C) THIS SUBDIVISION SHALL NOT APPLY TO THE COLLECTION OF DEBT WHEREBY
12 UTILITY COMPANY POLICY SUCH DEBT IS DIRECTED TO A COLLECTION AGENCY OR
13 SIMILAR SERVICE COMPANIES OR WHERE THE ATTENDANCE OF CALL CENTER EMPLOY-
14 EES IS LESS THAN NINETY PERCENT IN ANY GIVEN MONTH THIS SECTION SHALL
15 NOT APPLY FOR THE FOLLOWING MONTH. ATTENDANCE FOR THIS SECTION SHALL BE
16 DEFINED WHEN AN EMPLOYEE IS EXPECTED TO REPORT TO WORK AS SCHEDULED. IF
17 A COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT DEFINES ATTEND-
18 ANCE THEN THAT SHALL SUPERSEDE THE DEFINITION ABOVE. IF ATTENDANCE FALLS
19 BELOW NINETY PERCENT AS A DIRECT RESULT OF THE CORPORATION THEN THIS
20 SECTION SHALL APPLY.

21 S 3. This act shall take effect on the thirtieth day after it shall
22 have become a law; provided, however, that the public service commission
23 is immediately authorized and directed to take any and all actions,
24 including but not limited to the promulgation of any rules or regu-
25 lations necessary to implement the provisions of this act on such effec-
26 tive date.