

1190--A

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, RAIA, GOLDFEDER, JAFFEE, ROBINSON, MAGNARELLI, GUNTHER, COLTON, ROSENTHAL, ROBERTS, SCARBOROUGH, ZEBROWSKI, CUSICK, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, BRINDISI, CRESPO, CROUCH, DINOWITZ, GALEF, 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 -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 16 to read as follows:
3 16. (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

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

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1 COMPLETING THE PUBLISHING AND NON-PUBLISHING OF A TELEPHONE NUMBER, AND
2 PROVIDING ASSISTANCE TO PAYPHONE CUSTOMERS;

3 (3) DETERMINING DEPOSIT REQUIRED OR BILLING RATE;

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

6 (5) EXPLAINING COMPANY RATES, REGULATIONS, POLICIES, PROCEDURES,
7 EQUIPMENT AND COMMON PRACTICES;

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

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

12 (8) AIDING CUSTOMERS WITH INTERNAL ASSISTANCE PROGRAMS.

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

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

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

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

41 (1) DETERMINING CUSTOMER FINANCIAL RESPONSIBILITY;

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

49 (3) DETERMINING DEPOSIT REQUIRED OR BILLING RATE;

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

52 (5) EXPLAINING COMPANY RATES, REGULATIONS, POLICIES, PROCEDURES,
53 EQUIPMENT AND COMMON PRACTICES;

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

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

3 (8) AIDING CUSTOMERS WITH INTERNAL ASSISTANCE PROGRAMS.

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

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

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