

240

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. 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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