

7635--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 29, 2013

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Introduced by M. of A. BRENNAN, MAISEL, ABINANTI, ROBERTS, COLTON, ROSENTHAL, JACOBS, MAYER, HENNESSEY, GUNTHER, CRESPO, ESPINAL, SCARBOROUGH, PEOPLES-STOKES, BUCHWALD, CAHILL, KELLNER, GIBSON, RUSSELL, OTIS -- Multi-Sponsored by -- M. of A. ARROYO, CLARK, ENGLEBRIGHT, FARRELL, GARBARINO, GOTTFRIED, LUPARDO, MOSLEY, RAIA, RAMOS, ROBINSON, SCHIMEL, SEPULVEDA, SIMOTAS, SWEENEY, THIELE, WEISENBERG -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to establishing a moratorium on telephone corporations on the replacement of landline telephone service with a wireless system; and providing for the repeal of such provisions upon expiration thereof

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

1     Section 1. a. Notwithstanding any provision of law to the contrary,  
2     commencing with the effective date of this act, there shall be a morato-  
3     rium on any and all actions taken by telephone corporations subject to  
4     article 5 of the public service law to replace landline or wireline  
5     telephone service with a wireless system.  
6     b. On or before April 1, 2014, the public service commission, after  
7     conducting one or more public hearings, shall prepare and submit a  
8     report to the governor and the state legislature setting forth its find-  
9     ings and conclusions on the report to be submitted by a telephone corpo-  
10    ration by November 1, 2013 to the public service commission pursuant to  
11    an order issued by the public service commission on May 16, 2013 with  
12    respect to case no. 13-C-0197.  
13    c. The public service commission shall include in the report submitted  
14    pursuant to subdivision b of this section its findings and conclusions  
15    on the following questions:

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

LBD11002-03-3

1 (1) How does the replacement of a copper-based wireline telecommuni-  
2 cations network with a wireless system affect or impact:

3 (A) the incumbent local exchange carrier's (ILEC) ability to provide  
4 adequate, efficient, proper, reliable, and sufficient service?

5 (B) the ability of ILEC to provide its customers access to service  
6 options, including, but not limited to, Internet access?

7 (C) the ability of other service providers, including, but not limited  
8 to, alarm monitoring companies, home health monitoring equipment provid-  
9 ers, to provide services to consumers and businesses?

10 (D) the ability of deaf and hard-of-hearing consumers to access commu-  
11 nications services in accordance with section 91-a of the public service  
12 law?

13 (E) ILECs' rates and charges?

14 (F) ILECs' ability to comply with the mandate to provide "adequate  
15 service" pursuant to section 91 of the public service law?

16 (G) ILECs' ability to provide reliable connections to public safety  
17 or law enforcement agencies during normal operating conditions? during  
18 extreme weather conditions? during power outages?

19 (H) network reliability?

20 (2) Does the replacement of a copper-based wireline telecommunications  
21 network with a wireless system subject affected customers to an undue or  
22 unreasonable prejudice or disadvantage in violation of subdivision 3 of  
23 section 91 of the public service law?

24 (3) What are the specific annual plans of ILECs during each of the  
25 current and subsequent four calendar years regarding their intentions to  
26 substitute wireless for wireline service?

27 S 2. This act shall not apply to any actions taken by a telephone  
28 corporation pursuant to an order issued by the public service commission  
29 on May 16, 2013 with respect to case no. 13-C-0197 relating to the west-  
30 ern part of Fire Island, New York.

31 S 3. Nothing in this act shall be construed to prevent or preclude (1)  
32 a telephone company from replacing a copper-based wireline communi-  
33 cations network with a wireless system for any customer who, after  
34 receiving appropriate notice and information, consents in writing to  
35 such replacement on forms prepared by the public service commission; or  
36 (2) the public service commission, in the aftermath of a weather-related  
37 or natural event or emergency, from authorizing a telephone corporation  
38 to take any actions that are suspended by this act.

39 S 4. This act shall take effect immediately, and shall expire and be  
40 deemed repealed June 1, 2014.