

1631

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. PARKER -- 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 discrimination in franchises and privileges

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

1 Section 1. Section 99 of the public service law is amended by adding a
2 new subdivision 4 to read as follows:
3 4. NO BUILDING OWNER MAY DISCRIMINATE AGAINST A TELEPHONE COMPANY OR
4 ITS ABILITY TO PROVIDE SERVICES TO ONE OR MORE TENANTS OF A MULTI-TENANT
5 PROPERTY THAT IS OWNED OR CONTROLLED BY THE BUILDING OWNER, INCLUDING
6 DISCRIMINATORY TERMS AND CONDITIONS BY WHICH A TELEPHONE COMPANY GAINS
7 PHYSICAL ACCESS TO THE PROPERTY TO PLACE ITS FACILITIES AND PROVIDE
8 TELECOMMUNICATIONS SERVICES TO THE PROPERTY'S TENANTS. THE COMMISSION
9 SHALL HAVE JURISDICTION TO IMPLEMENT THE PROVISIONS OF THIS SUBDIVISION
10 BY APPROPRIATE RULES AND REGULATIONS AND TO ADJUDICATE ADMINISTRATIVELY
11 DISPUTES ARISING UNDER THIS SUBDIVISION. IN NO EVENT MAY THE LACK OF
12 AGREEMENT OVER TERMS AND CONDITIONS OF ACCESS DELAY THE ABILITY OF A
13 REQUESTING TELECOMMUNICATIONS COMPANY TO OBTAIN ACCESS FOR MORE THAN
14 THIRTY DAYS FOLLOWING AN INITIAL REQUEST THEREFOR. THE PROVISIONS OF
15 THIS SUBDIVISION SHALL NOT IMPAIR OR NULLIFY ANY CONTRACT IN PLACE
16 BEFORE THE EFFECTIVE DATE OF THIS SUBDIVISION.
17 S 2. Section 228 of the public service law is amended by adding a new
18 subdivision 4 to read as follows:
19 4. (A) NO PROVIDER OF MULTICHANNEL VIDEO PROGRAMMING OR OWNERS,
20 LESSORS, MANAGERS OR PERSONS CONTROLLING OR MANAGING A RESIDENTIAL
21 MULTIUNIT BUILDING SHALL ENTER INTO OR RENEW ANY EXCLUSIVE MARKETING
22 AGREEMENT WITH REGARD TO MULTICHANNEL VIDEO PROGRAMMING SERVICES.

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

LBD02784-01-3

1 (B) FOR PURPOSES OF THIS SUBDIVISION "EXCLUSIVE MARKETING AGREEMENT"
2 IS A CONTRACT OR OTHER ARRANGEMENT, OTHER THAN A BULK SALES ARRANGEMENT,
3 BETWEEN THE OWNER, LESSOR, MANAGER OR PERSON CONTROLLING OR MANAGING A
4 RESIDENTIAL MULTIUNIT BUILDING AND A MULTICHANNEL VIDEO PROGRAMMING
5 PROVIDER IN WHICH A MULTICHANNEL VIDEO PROGRAMMING PROVIDER IS GRANTED
6 PREFERENCE OR EXCLUSIVE RIGHTS WITH REGARD TO THE MARKETING OR OFFERING
7 OF SERVICES, OR ACCESS TO THE PREMISES FOR PURPOSES THEREOF.
8 S 3. This act shall take effect on the one hundred twentieth day after
9 it shall have become a law. Effective immediately any and all rules and
10 regulations and any other measures necessary to implement any provision
11 of this act on its effective date may be promulgated and taken, respec-
12 tively, on or before the effective date of such provision.