

2512--B

Cal. No. 101

2013-2014 Regular Sessions

I N   S E N A T E

January 18, 2013

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Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public service law, in relation to the publication of certain rates and terms

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     92-g to read as follows:  
3     S 92-G. DE-TARIFFING OF NON-BASIC RETAIL SERVICES. 1. NOTWITHSTANDING  
4     ANY OTHER PROVISION OF THIS CHAPTER, OR ANY REGULATION OR ORDER ISSUED  
5     BY THE COMMISSION PURSUANT TO THIS CHAPTER, AND EXCLUDING "REGULATED  
6     BASIC SERVICES" AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION TWO OF  
7     SECTION NINETY-TWO OF THIS ARTICLE ON AND AFTER THE EFFECTIVE DATE OF  
8     THIS SECTION, A TELEPHONE CORPORATION FURNISHING ANY SERVICES THAT WOULD  
9     OTHERWISE BE SUBJECT TO THE RATE SCHEDULE REQUIREMENTS IN SECTION NINE-  
10    TY-TWO OF THIS ARTICLE MAY POST ON ITS WEBSITE THE RATES, TERMS AND  
11    CONDITIONS OF ANY RETAIL SERVICE IT OFFERS, RENDERS OR FURNISHES WITHIN  
12    THE STATE. SECTION NINETY-TWO OF THIS ARTICLE SHALL NOT APPLY TO ANY  
13    SERVICE SO POSTED, AND SUCH TELEPHONE CORPORATION SHALL NOT BE REQUIRED  
14    TO FILE WITH THE COMMISSION OR OBTAIN APPROVAL OF ANY TARIFF OR SCHEDULE  
15    FOR SUCH SERVICE. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT  
16    THE AUTHORITY OF THE COMMISSION UNDER SECTION NINETY-SEVEN OF THIS ARTI-  
17    CLE.  
18    2. ANY TARIFF OR SCHEDULE FOR RETAIL SERVICES FILED BY A TELEPHONE  
19    CORPORATION PRIOR TO THE EFFECTIVE DATE OF THIS SECTION MAY BE WITHDRAWN

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

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1 AT ANY TIME AFTER SUCH DATE UPON THIRTY DAYS NOTICE TO THE COMMISSION,  
2 BUT SHALL REMAIN IN EFFECT UNTIL SUCH WITHDRAWAL.

3 3. NOTHING IN THIS SECTION SHALL AFFECT THE AUTHORITY OF THE COMMIS-  
4 SION OVER SWITCHED ACCESS OR WHOLESALE SERVICES.

5 4. A TELEPHONE CORPORATION SHALL ANNUALLY FILE A COPY OF THE CUSTOMER  
6 SERVICE GUIDE OR OTHER LISTING OF TERMS AND CONDITIONS WITH THE COMMIS-  
7 SION. A TELEPHONE CORPORATION SHALL PROVIDE A COPY OF SUCH CUSTOMER  
8 SERVICE GUIDE OR OTHER LISTING OF TERMS AND CONDITIONS TO ANY REQUESTING  
9 PERSON. THE COMMISSION MAY ORDER ADDITIONAL REQUIREMENTS AS THEY SEE FIT  
10 FOR THE CUSTOMER SERVICE GUIDE. THE TERM "CUSTOMER SERVICE GUIDE" AND  
11 "OTHER LISTING OF TERMS AND CONDITIONS" WHEN USED IN THIS SECTION SHALL  
12 INCLUDE BUT NOT BE LIMITED TO A LIST OF NON-BASIC SERVICES WITH A  
13 DESCRIPTION AND RATE OF SALE OF SUCH SERVICES BY A TELEPHONE CORPO-  
14 RATION.

15 5. AT LEAST THIRTY DAYS PRIOR TO AN INCREASE IN RATE FOR A NON-BASIC  
16 SERVICE, A TELEPHONE CORPORATION SHALL NOTIFY ANY AFFECTED PERSON THAT  
17 SUCH PERSON MAY OPT OUT OF SUCH NON-BASIC SERVICE AT ANY TIME WITHIN THE  
18 THIRTY DAYS PRIOR TO THE INCREASE BECOMING EFFECTIVE.

19 S 2. This act shall take effect on the ninetieth day after it shall  
20 have become a law.