

5466--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 27, 2013

Introduced by M. of A. MORELLE -- 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 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19 CORPORATION PRIOR TO THE EFFECTIVE DATE OF THIS SECTION MAY BE WITHDRAWN
20 AT ANY TIME AFTER SUCH DATE UPON THIRTY DAYS NOTICE TO THE COMMISSION,
21 BUT SHALL REMAIN IN EFFECT UNTIL SUCH WITHDRAWAL.
22 3. NOTHING IN THIS SECTION SHALL AFFECT THE AUTHORITY OF THE COMMIS-
23 SION OVER SWITCHED ACCESS OR WHOLESALE SERVICES.

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

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

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

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