

7144--C

Cal. No. 341

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 2, 2013

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Introduced by M. of A. ROSENTHAL, COLTON, CAHILL, SKOUFIS, CUSICK, SCARBOROUGH, MOSLEY, HENNESSEY, JAFFEE, KIM, SCHIMEL, BENEDETTO, GOTTFRIED, LAVINE, THIELE, ABINANTI, ENGLEBRIGHT, RAMOS, OTIS, ROBERTS, ROZIC, SANTABARBARA, STECK, DINOWITZ, RYAN, JACOBS, MAYER, LUPARDO, GUNTHER, KELLNER, BARRETT, MOYA, WEPRIN, RUSSELL, SIMOTAS, BROOK-KRASNYY, LIFTON, BRONSON, GALEF, BRINDISI, HOOPER, BUCHWALD, TITONE, MILLER, ZEBROWSKI, RAIA -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, CLARK, COOK, CRESPO, GARBARINO, GLICK, HEVESI, JOHNS, LENTOL, LUPINACCI, MARKEY, McDONALD, McKEVITT, MILLMAN, NOLAN, PAULIN, PERRY, RIVERA, ROBINSON, RODRIGUEZ, SEPULVEDA, SKARTADOS, SOLAGES, SWEENEY, WEISENBERG -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public service law and the general business law, in relation to call centers

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

1     Section 1. Section 65 of the public service law is amended by adding a  
2     new subdivision 16 to read as follows:  
3     16. (A) EVERY TELECOMMUNICATION SERVICE PROVIDER AND THEIR SUBSID-  
4     IARIES FURNISHING TRADITIONAL LANDLINE TELEPHONE SERVICE, FIBER OPTIC  
5     SERVICE, VOICE OVER INTERNET PROTOCOL (VOIP), DATA CIRCUITS, CABLE OR  
6     INTERNET SERVICES SHALL PROVIDE CALL CENTER SERVICE ASSISTANCE INCLUD-  
7     ING, BUT NOT LIMITED TO OPERATOR SERVICES, DIRECTORY ASSISTANCE BUREAUS  
8     AND CALL COMPLETION SERVICES FOR THE FOLLOWING: (1) EXPLAINING COMPANY  
9     RATES, REGULATIONS, POLICIES, PROCEDURES, EQUIPMENT, CUSTOMER SERVICE  
10    OPTIONS AND COMMON PRACTICES; (2) DETERMINING CUSTOMER FINANCIAL RESPON-  
11    SIBILITY, REQUIRED DEPOSITS, BILLING RATES, OR HANDLING PAYMENT AND

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

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1 OTHER CREDIT ARRANGEMENTS SUCH AS OBTAINING DEPOSITS, FINANCIAL STATE-  
2 MENTS AND PAYMENT PLANS; (3) TAKING REQUESTS FOR NEW OR ADDITIONAL  
3 SERVICES, INCLUDING, BUT NOT LIMITED TO, EMERGENCY SERVICE, COMPLETING  
4 ASSISTANCE WITH DIALING, USING CALLING CARDS, CONNECTING COLLECT CALLS,  
5 BUSY LINE VERIFICATION OR RELAY CENTERS FOR THE HEARING IMPAIRED,  
6 PROVIDING REQUESTED LOCAL AND NATIONAL TELEPHONE NUMBERS, REVERSE NUMBER  
7 SEARCHES AND TAKING REQUESTS FOR AND COMPLETING THE PUBLISHING AND NON-  
8 PUBLISHING OF A TELEPHONE NUMBER, AND PROVIDING ASSISTANCE TO PAYPHONE  
9 CUSTOMERS; AND (4) PREPARING INSTALLATION AND REPAIR SERVICE ORDERS AND  
10 OBTAINING ACCESS TO SUBSCRIBER'S PREMISES.

11 (B) NO TELECOMMUNICATION SERVICE PROVIDER AND THEIR SUBSIDIARIES SHALL  
12 CLOSE A CALL CENTER OR OTHER FACILITY PROVIDING THE CUSTOMER ASSISTANCE  
13 SET FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION OR RELOCATE SUCH CUSTOMER  
14 ASSISTANCE TO ANOTHER AREA OF NEW YORK STATE OR OUTSIDE OF NEW YORK  
15 STATE WITHOUT NOTICE AND PUBLIC HEARING BEFORE THE COMMISSION. UPON  
16 RECEIPT OF THE NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH, THE COMMIS-  
17 SION SHALL PROVIDE NOTICE OF THE PROCEEDING TO INTERESTED PARTIES AND  
18 THE PUBLIC; AND SHALL PROMPTLY FIX A DATE FOR THE COMMENCEMENT OF A  
19 PUBLIC HEARING THEREON NOT LESS THAN SIXTY DAYS AFTER SUCH RECEIPT. THE  
20 TESTIMONY PRESENTED AT SUCH HEARING MAY BE PRESENTED IN WRITING OR ORAL-  
21 LY, PROVIDED THAT THE COMMISSION MAY MAKE RULES DESIGNED TO EXCLUDE  
22 REPETITIVE, REDUNDANT OR IRRELEVANT TESTIMONY WHILE GIVING ALL INTER-  
23 ESTED PARTIES THE OPPORTUNITY TO PRESENT THEIR DOCUMENTARY AND/OR TESTI-  
24 MONIAL EVIDENCE. THE COMMISSION SHALL MAKE A RECORD OF ALL TESTIMONY IN  
25 ALL CONTESTED HEARINGS. FOR PURPOSES OF THIS SECTION "PUBLIC HEARING"  
26 MEANS A PUBLIC FORUM AT A PHYSICAL LOCATION, ATTENDED BY COMMISSION  
27 MEMBERS OR THEIR DESIGNEES, WHERE ORAL TESTIMONY IS ACCEPTED AND WRITTEN  
28 TESTIMONY MAY BE SUBMITTED FOR INCLUSION IN THE RECORD. SUCH FORUM SHALL  
29 BE OPEN TO PARTIES TO THE PROCEEDING AND THE GENERAL PUBLIC FOR THE  
30 PRESENTATION OF COMMENTS THAT SHALL BE LIMITED TO RELEVANT FACTS DIRECT-  
31 LY RELATED TO THE PROCEEDING IN QUESTION. SUCH HEARING SHALL BE  
32 COMMENCED UPON PROPER NOTICE TO THE PARTIES TO THE PROCEEDING AND THE  
33 PUBLIC AT LEAST THIRTY DAYS PRIOR TO THE SCHEDULED DATE. SHOULD THE  
34 COMMISSION RULE IN FAVOR OF CLOSING A CALL CENTER OR OTHER FACILITY  
35 PROVIDING THE CUSTOMER ASSISTANCE SET FORTH IN PARAGRAPH (A) OF THIS  
36 SUBDIVISION OR RELOCATING SUCH CUSTOMER ASSISTANCE TO ANOTHER AREA OF  
37 NEW YORK STATE THEN THE TELECOMMUNICATION SERVICE PROVIDER OR THEIR  
38 SUBSIDIARIES SHALL PROVIDE NOTIFICATION ONE HUNDRED EIGHTY CALENDAR DAYS  
39 IN ADVANCE OF CLOSING OR RELOCATION.

40 (C) THIS SUBDIVISION SHALL NOT APPLY TO THE COLLECTION OF DEBT WHERE  
41 BY COMPANY POLICY SUCH DEBT IS DIRECTED TO A COLLECTION AGENCY OR SIMI-  
42 LAR SERVICE COMPANIES.

43 S 2. The general business law is amended by adding a new section 399-  
44 yyy to read as follows:

45 S 399-YYY. CABLE SERVICE PROVIDER. 1. EVERY CABLE SERVICE PROVIDER AND  
46 THEIR SUBSIDIARIES FURNISHING TRADITIONAL LANDLINE TELEPHONE SERVICE,  
47 FIBER OPTIC SERVICE, VOICE OVER INTERNET PROTOCOL (VOIP), DATA CIRCUITS,  
48 CABLE OR INTERNET SERVICES SHALL PROVIDE CALL CENTER SERVICE ASSISTANCE  
49 INCLUDING, BUT NOT LIMITED TO OPERATOR SERVICES, DIRECTOR ASSISTANCE  
50 BUREAUS AND CALL COMPLETION SERVICES FOR THE FOLLOWING: (A) EXPLAINING  
51 COMPANY RATES, REGULATIONS, POLICIES, PROCEDURES, EQUIPMENT, CUSTOMER  
52 SERVICE OPTIONS AND COMMON PRACTICES; (B) DETERMINING CUSTOMER FINANCIAL  
53 RESPONSIBILITY, REQUIRED DEPOSITS, BILLING RATES, OR HANDLING PAYMENT  
54 AND OTHER CREDIT ARRANGEMENTS SUCH AS OBTAINING DEPOSITS, FINANCIAL  
55 STATEMENTS AND PAYMENT PLANS; (C) TAKING REQUESTS FOR NEW OR ADDITIONAL  
56 SERVICES, INCLUDING, BUT NOT LIMITED TO, EMERGENCY SERVICE, COMPLETING

1 ASSISTANCE WITH DIALING, USING CALLING CARDS, CONNECTING COLLECT CALLS,  
2 BUSY LINE VERIFICATION OR RELAY CENTERS FOR THE HEARING IMPAIRED,  
3 PROVIDING REQUESTED LOCAL AND NATIONAL TELEPHONE NUMBERS, REVERSE NUMBER  
4 SEARCHES AND TAKING REQUESTS FOR AND COMPLETING THE PUBLISHING AND NON-  
5 PUBLISHING OF A TELEPHONE NUMBER, AND PROVIDING ASSISTANCE TO PAY PHONE  
6 CUSTOMERS; AND (D) PREPARING INSTALLATION AND REPAIR SERVICE ORDERS AND  
7 OBTAINING ACCESS TO SUBSCRIBER'S PREMISES.

8 2. NO CABLE SERVICE PROVIDER AND THEIR SUBSIDIARIES SHALL CLOSE A CALL  
9 CENTER OR OTHER FACILITY PROVIDING THE CUSTOMER ASSISTANCE SET FORTH IN  
10 SUBDIVISION ONE OF THIS SECTION OR RELOCATE SUCH CUSTOMER ASSISTANCE TO  
11 ANOTHER AREA OF NEW YORK STATE OR OUTSIDE OF NEW YORK STATE WITHOUT  
12 NOTICE AND PUBLIC HEARING BEFORE THE COMMISSION. UPON RECEIPT OF THE  
13 NOTICE REQUIRED PURSUANT TO THIS SUBDIVISION, THE COMMISSION SHALL  
14 PROVIDE NOTICE OF THE PROCEEDING TO INTERESTED PARTIES AND THE PUBLIC;  
15 AND SHALL PROMPTLY FIX A DATE FOR THE COMMENCEMENT OF A PUBLIC HEARING  
16 THEREON NOT LESS THAN SIXTY DAYS AFTER SUCH RECEIPT. THE TESTIMONY  
17 PRESENTED AT SUCH HEARING MAY BE PRESENTED IN WRITING OR ORALLY,  
18 PROVIDED THAT THE COMMISSION MAY MAKE RULES DESIGNED TO EXCLUDE REPETI-  
19 TIVE, REDUNDANT OR IRRELEVANT TESTIMONY WHILE GIVING ALL INTERESTED  
20 PARTIES THE OPPORTUNITY TO PRESENT THEIR DOCUMENTARY AND/OR TESTIMONIAL  
21 EVIDENCE. THE COMMISSION SHALL MAKE A RECORD OF ALL TESTIMONY IN ALL  
22 CONTESTED HEARINGS. FOR PURPOSES OF THIS SECTION "PUBLIC HEARING" MEANS  
23 A PUBLIC FORUM AT A PHYSICAL LOCATION, ATTENDED BY COMMISSION MEMBERS OR  
24 THEIR DESIGNEES, WHERE ORAL TESTIMONY IS ACCEPTED AND WRITTEN TESTIMONY  
25 MAY BE SUBMITTED FOR INCLUSION IN THE RECORD. SUCH FORUM SHALL BE OPEN  
26 TO PARTIES TO THE PROCEEDING AND THE GENERAL PUBLIC FOR THE PRESENTATION  
27 OF COMMENTS THAT SHALL BE LIMITED TO RELEVANT FACTS DIRECTLY RELATED TO  
28 THE PROCEEDING IN QUESTION. SUCH HEARING SHALL BE COMMENCED UPON PROPER  
29 NOTICE TO THE PARTIES TO THE PROCEEDING AND THE PUBLIC AT LEAST THIRTY  
30 DAYS PRIOR TO THE SCHEDULED DATE. SHOULD THE COMMISSION RULE IN FAVOR  
31 OF CLOSING A CALL CENTER OR OTHER FACILITY PROVIDING THE CUSTOMER  
32 ASSISTANCE SET FORTH IN SUBDIVISION ONE OF THIS SECTION OR RELOCATING  
33 SUCH CUSTOMER ASSISTANCE TO ANOTHER AREA OF NEW YORK STATE THEN THE  
34 CABLE SERVICE PROVIDER OR THEIR SUBSIDIARIES SHALL PROVIDE NOTIFICATION  
35 ONE HUNDRED EIGHTY CALENDAR DAYS IN ADVANCE OF CLOSING OR RELOCATION.

36 3. THIS SECTION SHALL NOT APPLY TO THE COLLECTION OF DEBT WHERE BY  
37 COMPANY POLICY SUCH DEBT IS DIRECTED TO A COLLECTION AGENCY OR SIMILAR  
38 SERVICE COMPANIES.

39 S 3. This act shall take effect immediately.