

S T A T E O F N E W Y O R K

7635--A

2013-2014 Regular Sessions

I N A S S E M B L Y

May 29, 2013

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.