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

4434--C

2013-2014 Regular Sessions

I N S E N A T E

April 1, 2013

Introduced by Sens. MAZIARZ, ADDABBO, AVELLA, CARLUCCI, DILAN, ESPAILLAT, GIPSON, HOYLMAN, LARKIN, LATIMER, MARTINS, O'BRIEN, PARKER, PERALTA, RIVERA, SAVINO, SERRANO, STAVISKY, TKACZYK, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Section 65 of the public service law is amended by adding a new subdivision 16 to read as follows:

16. (A) EVERY TELECOMMUNICATION SERVICE PROVIDER AND THEIR SUBSIDIARIES FURNISHING TRADITIONAL LANDLINE TELEPHONE SERVICE, FIBER OPTIC SERVICE, VOICE OVER INTERNET PROTOCOL (VOIP), DATA CIRCUITS, CABLE OR INTERNET SERVICES SHALL PROVIDE CALL CENTER SERVICE ASSISTANCE INCLUDING, BUT NOT LIMITED TO OPERATOR SERVICES, DIRECTORY ASSISTANCE BUREAUS AND CALL COMPLETION SERVICES FOR THE FOLLOWING: (1) EXPLAINING COMPANY RATES, REGULATIONS, POLICIES, PROCEDURES, EQUIPMENT, CUSTOMER SERVICE OPTIONS AND COMMON PRACTICES; (2) DETERMINING CUSTOMER FINANCIAL RESPONSIBILITY, REQUIRED DEPOSITS, BILLING RATES, OR HANDLING PAYMENT AND OTHER CREDIT ARRANGEMENTS SUCH AS OBTAINING DEPOSITS, FINANCIAL STATEMENTS AND PAYMENT PLANS; (3) TAKING REQUESTS FOR NEW OR ADDITIONAL SERVICES, INCLUDING, BUT NOT LIMITED TO, EMERGENCY SERVICE, COMPLETING ASSISTANCE WITH DIALING, USING CALLING CARDS, CONNECTING COLLECT CALLS,

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

LBD09123-15-4

BUSY LINE VERIFICATION OR RELAY CENTERS FOR THE HEARING IMPAIRED, PROVIDING REQUESTED LOCAL AND NATIONAL TELEPHONE NUMBERS, REVERSE NUMBER SEARCHES AND TAKING REQUESTS FOR AND COMPLETING THE PUBLISHING AND NON-PUBLISHING OF A TELEPHONE NUMBER, AND PROVIDING ASSISTANCE TO PAYPHONE CUSTOMERS; AND (4) PREPARING INSTALLATION AND REPAIR SERVICE ORDERS AND OBTAINING ACCESS TO SUBSCRIBER'S PREMISES.

(B) NO TELECOMMUNICATION SERVICE PROVIDER AND THEIR SUBSIDIARIES SHALL CLOSE A CALL CENTER OR OTHER FACILITY PROVIDING THE CUSTOMER ASSISTANCE SET FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION OR RELOCATE SUCH CUSTOMER ASSISTANCE TO ANOTHER AREA OF NEW YORK STATE OR OUTSIDE OF NEW YORK STATE WITHOUT NOTICE AND PUBLIC HEARING BEFORE THE COMMISSION. UPON RECEIPT OF THE NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH, THE COMMISSION SHALL PROVIDE NOTICE OF THE PROCEEDING TO INTERESTED PARTIES AND THE PUBLIC; AND SHALL PROMPTLY FIX A DATE FOR THE COMMENCEMENT OF A PUBLIC HEARING THEREON NOT LESS THAN SIXTY DAYS AFTER SUCH RECEIPT. THE TESTIMONY PRESENTED AT SUCH HEARING MAY BE PRESENTED IN WRITING OR ORALLY, PROVIDED THAT THE COMMISSION MAY MAKE RULES DESIGNED TO EXCLUDE REPETITIVE, REDUNDANT OR IRRELEVANT TESTIMONY WHILE GIVING ALL INTERESTED PARTIES THE OPPORTUNITY TO PRESENT THEIR DOCUMENTARY AND/OR TESTIMONIAL EVIDENCE. THE COMMISSION SHALL MAKE A RECORD OF ALL TESTIMONY IN ALL CONTESTED HEARINGS. FOR PURPOSES OF THIS SECTION "PUBLIC HEARING" MEANS A PUBLIC FORUM AT A PHYSICAL LOCATION, ATTENDED BY COMMISSION MEMBERS OR THEIR DESIGNEES, WHERE ORAL TESTIMONY IS ACCEPTED AND WRITTEN TESTIMONY MAY BE SUBMITTED FOR INCLUSION IN THE RECORD. SUCH FORUM SHALL BE OPEN TO PARTIES TO THE PROCEEDING AND THE GENERAL PUBLIC FOR THE PRESENTATION OF COMMENTS THAT SHALL BE LIMITED TO RELEVANT FACTS DIRECTLY RELATED TO THE PROCEEDING IN QUESTION. SUCH HEARING SHALL BE COMMENCED UPON PROPER NOTICE TO THE PARTIES TO THE PROCEEDING AND THE PUBLIC AT LEAST THIRTY DAYS PRIOR TO THE SCHEDULED DATE. SHOULD THE COMMISSION RULE IN FAVOR OF CLOSING A CALL CENTER OR OTHER FACILITY PROVIDING THE CUSTOMER ASSISTANCE SET FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION OR RELOCATING SUCH CUSTOMER ASSISTANCE TO ANOTHER AREA OF NEW YORK STATE THEN THE TELECOMMUNICATION SERVICE PROVIDER OR THEIR SUBSIDIARIES SHALL PROVIDE NOTIFICATION ONE HUNDRED EIGHTY CALENDAR DAYS IN ADVANCE OF CLOSING OR RELOCATION.

(C) THIS SUBDIVISION SHALL NOT APPLY TO THE COLLECTION OF DEBT WHERE BY COMPANY POLICY SUCH DEBT IS DIRECTED TO A COLLECTION AGENCY OR SIMILAR SERVICE COMPANIES.

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

S 399-YYY. CABLE SERVICE PROVIDER. 1. EVERY CABLE SERVICE PROVIDER AND THEIR SUBSIDIARIES FURNISHING TRADITIONAL LANDLINE TELEPHONE SERVICE, FIBER OPTIC SERVICE, VOICE OVER INTERNET PROTOCOL (VOIP), DATA CIRCUITS, CABLE OR INTERNET SERVICES SHALL PROVIDE CALL CENTER SERVICE ASSISTANCE INCLUDING, BUT NOT LIMITED TO OPERATOR SERVICES, DIRECTOR ASSISTANCE BUREAUS AND CALL COMPLETION SERVICES FOR THE FOLLOWING: (A) EXPLAINING COMPANY RATES, REGULATIONS, POLICIES, PROCEDURES, EQUIPMENT, CUSTOMER SERVICE OPTIONS AND COMMON PRACTICES; (B) DETERMINING CUSTOMER FINANCIAL RESPONSIBILITY, REQUIRED DEPOSITS, BILLING RATES, OR HANDLING PAYMENT AND OTHER CREDIT ARRANGEMENTS SUCH AS OBTAINING DEPOSITS, FINANCIAL STATEMENTS AND PAYMENT PLANS; (C) TAKING REQUESTS FOR NEW OR ADDITIONAL SERVICES, INCLUDING, BUT NOT LIMITED TO, EMERGENCY SERVICE, COMPLETING ASSISTANCE WITH DIALING, USING CALLING CARDS, CONNECTING COLLECT CALLS, BUSY LINE VERIFICATION OR RELAY CENTERS FOR THE HEARING IMPAIRED, PROVIDING REQUESTED LOCAL AND NATIONAL TELEPHONE NUMBERS, REVERSE NUMBER SEARCHES AND TAKING REQUESTS FOR AND COMPLETING THE PUBLISHING AND NON-

PUBLISHING OF A TELEPHONE NUMBER, AND PROVIDING ASSISTANCE TO PAY PHONE CUSTOMERS; AND (D) PREPARING INSTALLATION AND REPAIR SERVICE ORDERS AND OBTAINING ACCESS TO SUBSCRIBER'S PREMISES.

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

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

S 3. This act shall take effect immediately.