

4434--C

2013-2014 Regular Sessions

I N   S E N A T E

April 1, 2013

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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:

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  
12    OTHER CREDIT ARRANGEMENTS SUCH AS OBTAINING DEPOSITS, FINANCIAL STATE-  
13    MENTS AND PAYMENT PLANS; (3) TAKING REQUESTS FOR NEW OR ADDITIONAL  
14    SERVICES, INCLUDING, BUT NOT LIMITED TO, EMERGENCY SERVICE, COMPLETING  
15    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

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

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

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

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

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

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

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

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

35 S 3. This act shall take effect immediately.