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

5630--B

2013-2014 Regular Sessions

I N S E N A T E

May 30, 2013

Introduced by Sens. MAZIARZ, ADDABBO, AVELLA, BOYLE, CARLUCCI, DILAN, GALLIVAN, GIPSON, LARKIN, LATIMER, MARTINS, PARKER, PERALTA, RIVERA, SAVINO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- 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:

Section 1. a. Notwithstanding any provision of law to the contrary, commencing with the effective date of this act, there shall be a moratorium on any and all actions taken by telephone corporations subject to article 5 of the public service law to replace landline or wireline telephone service with a wireless system.

b. On or before April 1, 2015, the public service commission, after conducting one or more public hearings, shall prepare and submit a report to the governor and the state legislature setting forth its findings and conclusions on the report to be submitted by a telephone corporation by November 1, 2013 to the public service commission pursuant to an order issued by the public service commission on May 16, 2013 with respect to case no. 13-C-0197.

c. The public service commission shall include in the report submitted pursuant to subdivision b of this section its findings and conclusions on the following questions:

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

LBD11002-05-4

(1) How does the replacement of a copper-based wireline telecommunications network with a wireless system affect or impact:
(A) the incumbent local exchange carrier's (ILEC) ability to provide adequate, efficient, proper, reliable, and sufficient service?
(B) the ability of ILEC to provide its customers access to service options, including, but not limited to, Internet access?
(C) the ability of other service providers, including, but not limited to, alarm monitoring companies, home health monitoring equipment providers, to provide services to consumers and businesses?
(D) the ability of deaf and hard-of-hearing consumers to access communications services in accordance with section 91-a of the public service law?
(E) ILECs' rates and charges?
(F) ILECs' ability to comply with the mandate to provide "adequate service" pursuant to section 91 of the public service law?
(G) ILECs' ability to provide reliable connections to public safety or law enforcement agencies during normal operating conditions? during extreme weather conditions? during power outages?
(H) network reliability?
(2) Does the replacement of a copper-based wireline telecommunications network with a wireless system subject affected customers to an undue or unreasonable prejudice or disadvantage in violation of subdivision 3 of section 91 of the public service law?
(3) What are the specific annual plans of ILECs during each of the current and subsequent four calendar years regarding their intentions to substitute wireless for wireline service?

S 2. This act shall not apply to any actions taken by a telephone corporation pursuant to an order issued by the public service commission on May 16, 2013 with respect to case no. 13-C-0197 relating to the western part of Fire Island, New York.

S 3. Nothing in this act shall be construed to prevent or preclude (1) a telephone company from replacing a copper-based wireline communications network with a wireless system for any customer who, after receiving appropriate notice and information, consents in writing to such replacement on forms prepared by the public service commission; or (2) the public service commission, in the aftermath of a weather-related or natural event or emergency, from authorizing a telephone corporation to take any actions that are suspended by this act.

S 4. This act shall take effect immediately, and shall expire and be deemed repealed June 1, 2015.