

3635

2015-2016 Regular Sessions

I N S E N A T E

February 13, 2015

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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,
16 BUSY LINE VERIFICATION OR RELAY CENTERS FOR THE HEARING IMPAIRED,
17 PROVIDING REQUESTED LOCAL AND NATIONAL TELEPHONE NUMBERS, REVERSE NUMBER
18 SEARCHES AND TAKING REQUESTS FOR AND COMPLETING THE PUBLISHING AND NON-
19 PUBLISHING OF A TELEPHONE NUMBER, AND PROVIDING ASSISTANCE TO PAYPHONE
20 CUSTOMERS; AND (4) PREPARING INSTALLATION AND REPAIR SERVICE ORDERS AND
21 OBTAINING ACCESS TO SUBSCRIBER'S PREMISES.
22 (B) NO TELECOMMUNICATION SERVICE PROVIDER AND THEIR SUBSIDIARIES SHALL
23 CLOSE A CALL CENTER OR OTHER FACILITY PROVIDING THE CUSTOMER ASSISTANCE
24 SET FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION OR RELOCATE SUCH CUSTOMER

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

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1 ASSISTANCE TO ANOTHER AREA OF NEW YORK STATE OR OUTSIDE OF NEW YORK
2 STATE WITHOUT NOTICE AND PUBLIC HEARING BEFORE THE COMMISSION. UPON
3 RECEIPT OF THE NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH, THE COMMISS-
4 SION SHALL PROVIDE NOTICE OF THE PROCEEDING TO INTERESTED PARTIES AND
5 THE PUBLIC; AND SHALL PROMPTLY FIX A DATE FOR THE COMMENCEMENT OF A
6 PUBLIC HEARING THEREON NOT LESS THAN SIXTY DAYS AFTER SUCH RECEIPT. THE
7 TESTIMONY PRESENTED AT SUCH HEARING MAY BE PRESENTED IN WRITING OR ORAL-
8 LY, PROVIDED THAT THE COMMISSION MAY MAKE RULES DESIGNED TO EXCLUDE
9 REPETITIVE, REDUNDANT OR IRRELEVANT TESTIMONY WHILE GIVING ALL INTER-
10 ESTED PARTIES THE OPPORTUNITY TO PRESENT THEIR DOCUMENTARY AND/OR TESTI-
11 MONIAL EVIDENCE. THE COMMISSION SHALL MAKE A RECORD OF ALL TESTIMONY IN
12 ALL CONTESTED HEARINGS. FOR PURPOSES OF THIS SECTION "PUBLIC HEARING"
13 MEANS A PUBLIC FORUM AT A PHYSICAL LOCATION, ATTENDED BY COMMISSION
14 MEMBERS OR THEIR DESIGNEES, WHERE ORAL TESTIMONY IS ACCEPTED AND WRITTEN
15 TESTIMONY MAY BE SUBMITTED FOR INCLUSION IN THE RECORD. SUCH FORUM SHALL
16 BE OPEN TO PARTIES TO THE PROCEEDING AND THE GENERAL PUBLIC FOR THE
17 PRESENTATION OF COMMENTS THAT SHALL BE LIMITED TO RELEVANT FACTS DIRECT-
18 LY RELATED TO THE PROCEEDING IN QUESTION. SUCH HEARING SHALL BE
19 COMMENCED UPON PROPER NOTICE TO THE PARTIES TO THE PROCEEDING AND THE
20 PUBLIC AT LEAST THIRTY DAYS PRIOR TO THE SCHEDULED DATE. SHOULD THE
21 COMMISSION RULE IN FAVOR OF CLOSING A CALL CENTER OR OTHER FACILITY
22 PROVIDING THE CUSTOMER ASSISTANCE SET FORTH IN PARAGRAPH (A) OF THIS
23 SUBDIVISION OR RELOCATING SUCH CUSTOMER ASSISTANCE TO ANOTHER AREA OF
24 NEW YORK STATE THEN THE TELECOMMUNICATION SERVICE PROVIDER OR THEIR
25 SUBSIDIARIES SHALL PROVIDE NOTIFICATION ONE HUNDRED EIGHTY CALENDAR DAYS
26 IN ADVANCE OF CLOSING OR RELOCATION.

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

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

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

51 2. NO CABLE SERVICE PROVIDER AND THEIR SUBSIDIARIES SHALL CLOSE A CALL
52 CENTER OR OTHER FACILITY PROVIDING THE CUSTOMER ASSISTANCE SET FORTH IN
53 SUBDIVISION ONE OF THIS SECTION OR RELOCATE SUCH CUSTOMER ASSISTANCE TO
54 ANOTHER AREA OF NEW YORK STATE OR OUTSIDE OF NEW YORK STATE WITHOUT
55 NOTICE AND PUBLIC HEARING BEFORE THE COMMISSION. UPON RECEIPT OF THE
56 NOTICE REQUIRED PURSUANT TO THIS SUBDIVISION, THE COMMISSION SHALL

1 PROVIDE NOTICE OF THE PROCEEDING TO INTERESTED PARTIES AND THE PUBLIC;
2 AND SHALL PROMPTLY FIX A DATE FOR THE COMMENCEMENT OF A PUBLIC HEARING
3 THEREON NOT LESS THAN SIXTY DAYS AFTER SUCH RECEIPT. THE TESTIMONY
4 PRESENTED AT SUCH HEARING MAY BE PRESENTED IN WRITING OR ORALLY,
5 PROVIDED THAT THE COMMISSION MAY MAKE RULES DESIGNED TO EXCLUDE REPETI-
6 TIVE, REDUNDANT OR IRRELEVANT TESTIMONY WHILE GIVING ALL INTERESTED
7 PARTIES THE OPPORTUNITY TO PRESENT THEIR DOCUMENTARY AND/OR TESTIMONIAL
8 EVIDENCE. THE COMMISSION SHALL MAKE A RECORD OF ALL TESTIMONY IN ALL
9 CONTESTED HEARINGS. FOR PURPOSES OF THIS SECTION "PUBLIC HEARING" MEANS
10 A PUBLIC FORUM AT A PHYSICAL LOCATION, ATTENDED BY COMMISSION MEMBERS OR
11 THEIR DESIGNEES, WHERE ORAL TESTIMONY IS ACCEPTED AND WRITTEN TESTIMONY
12 MAY BE SUBMITTED FOR INCLUSION IN THE RECORD. SUCH FORUM SHALL BE OPEN
13 TO PARTIES TO THE PROCEEDING AND THE GENERAL PUBLIC FOR THE PRESENTATION
14 OF COMMENTS THAT SHALL BE LIMITED TO RELEVANT FACTS DIRECTLY RELATED TO
15 THE PROCEEDING IN QUESTION. SUCH HEARING SHALL BE COMMENCED UPON PROPER
16 NOTICE TO THE PARTIES TO THE PROCEEDING AND THE PUBLIC AT LEAST THIRTY
17 DAYS PRIOR TO THE SCHEDULED DATE. SHOULD THE COMMISSION RULE IN FAVOR
18 OF CLOSING A CALL CENTER OR OTHER FACILITY PROVIDING THE CUSTOMER
19 ASSISTANCE SET FORTH IN SUBDIVISION ONE OF THIS SECTION OR RELOCATING
20 SUCH CUSTOMER ASSISTANCE TO ANOTHER AREA OF NEW YORK STATE THEN THE
21 CABLE SERVICE PROVIDER OR THEIR SUBSIDIARIES SHALL PROVIDE NOTIFICATION
22 ONE HUNDRED EIGHTY CALENDAR DAYS IN ADVANCE OF CLOSING OR RELOCATION.

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

26 S 3. This act shall take effect immediately.