

4463

2015-2016 Regular Sessions

I N S E N A T E

March 23, 2015

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

AN ACT in relation to directing the public service commission to prepare and complete a comprehensive examination and study of the telecommunications industry in this state

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The New York State public service commission (the "commis-
2 sion") shall prepare and complete a comprehensive examination and study
3 of the telecommunications industry in this state pursuant to the
4 provisions of this act. The study shall include an analysis of the
5 different and various telecommunication services, networks and technolo-
6 gies currently being offered to New Yorkers, and how they rate in terms
7 of quality and reliability of service, consumer protections, and afford-
8 ability.

9 S 2. The study shall include:

10 (a) an analysis and assessment of competitive choices available to
11 consumers, including:

12 (1) an inventory of all available telecommunications networks, includ-
13 ing fiber-to-the-premises, cable, wireless and landline technologies,
14 regardless of their regulatory status;

15 (2) the status of competition for telecommunication services and
16 networks. Does competition exist in this industry for the benefit of
17 consumers? How many platforms are available to consumers? What is the
18 availability of competitive broadband in this state?;

19 (3) the actual costs and revenues for each service, technology or
20 network or a reasonable estimate of such costs and revenue. What rates
21 of return have been earned in the price-regulated and the price-unregu-
22 lated services, networks or systems?;

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

LBD09489-02-5

1 (4) the current level of service quality in all networks or systems.
2 How is it measured?;

3 (5) what has happened to rates/cost of service in each service,
4 network or system? Has the allocation of costs by providers resulted in
5 excessive rates?;

6 (6) the adequacy of the commission's current definition or list of
7 basic services that all consumers are entitled to, including what
8 services are technologically available for inclusion in a basic service
9 list. What are public expectations? How are they measured?;

10 (7) whether there has been a deterioration of the quality of service
11 and performance standards for those consumers who still rely on copper
12 network;

13 (8) whether the current level of capital expenditures by providers for
14 maintaining and repairing the copper wireline network is adequate to
15 ensure quality and reliability of service; and

16 (b) recommendations on alternative approaches and statutory changes to
17 ensure that telecommunication services and technologies remain afforda-
18 ble and reliable for all New Yorkers, and that such services are avail-
19 able and remain reliable in advance of, or during, a natural disaster.

20 S 3. (a) The commission shall, by June 15, 2015, issue a draft report,
21 with its preliminary findings, conclusions and recommendations. No soon-
22 er than fifteen, but not more than seventy-five, days after the release
23 of the draft, the commission shall conduct at least four public hearings
24 in different regions of the state to allow for state-wide public input
25 and comment on the draft report. The commission shall ensure the pres-
26 ence and participation of at least one commissioner at each of the public
27 hearings.

28 (b) After careful review and consideration of public comments received
29 at such public hearings the commission shall issue its final report by
30 September 30, 2015, which shall include a summary of the public comments
31 received and may include the commission's response to select comments.
32 The commission shall issue its final report to the governor, the speaker
33 of the assembly, the temporary president of the senate, and the chair of
34 both the assembly and senate standing committees on corporations,
35 authorities and commissions; and post a copy of such report on its
36 website.

37 S 4. If the reports required pursuant to this act are not received by
38 the date set forth in this act, the commission shall submit a letter
39 within forty-eight hours of the due date to the governor, the speaker of
40 the assembly, the temporary president of the senate, and the chair of
41 both the assembly and senate standing committees on corporations,
42 authorities, and commissions explaining in detail the reasons for the
43 failure to meet the deadline and providing an anticipated date of
44 completion.

45 S 5. This act shall take effect immediately.