

4463--A

2015-2016 Regular Sessions

I N   S E N A T E

March 23, 2015

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Introduced by Sens. RANZENHOFER, KENNEDY, LATIMER, O'MARA, PARKER --  
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

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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

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

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1 of return have been earned in the price-regulated and the price-unregu-  
2 lated services, networks or systems?;

3 (4) the current level of service quality in all networks or systems.  
4 How is it measured and what are the metrics or standards used for such  
5 measurement?;

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

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

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

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

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

23 S 3. (a) The commission shall, by August 31, 2015, issue a draft  
24 report, with its preliminary findings, conclusions and recommendations.  
25 No sooner than fifteen, but not more than seventy-five, days after the  
26 release of the draft, the commission shall conduct at least four public  
27 hearings in different regions of the state to allow for state-wide  
28 public input and comment on the draft report. The commission shall  
29 ensure the presence and participation of at least one commissioner at  
30 each of the public hearings.

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

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

48 S 5. This act shall take effect immediately.