

5619--A

2015-2016 Regular Sessions

I N S E N A T E

May 20, 2015

Introduced by Sen. 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 to amend the public service law, in relation to service quality standards, credits, reports and penalties

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

1 Section 1. The public service law is amended by adding a new section
2 92-h to read as follows:
3 S 92-H. SERVICE QUALITY STANDARDS, CREDITS, REPORTS AND PENALTIES. THE
4 COMMISSION SHALL, BY REGULATIONS ADOPTED OR AMENDED PURSUANT TO THIS
5 SECTION, ESTABLISH QUALITY OF SERVICE STANDARDS, CUSTOMER-SPECIFIC CRED-
6 ITS, AND PENALTIES FOR NON-COMPLIANCE THAT SHALL APPLY TO ALL TELECOMMU-
7 NICATIONS SERVICE PROVIDERS. FOR THE PURPOSES OF THIS SECTION, "TELECOM-
8 MUNICATIONS SERVICE PROVIDER" OR "PROVIDER OF TELECOMMUNICATIONS
9 SERVICES" SHALL MEAN A TELEPHONE CORPORATION CERTIFIED IN THE STATE WITH
10 THE AUTHORITY TO PROVIDE INTRASTATE TOLL AND LOCAL EXCHANGE SERVICE
11 USING EITHER ITS OWN OR LEASED FACILITIES; OR WHO PROVIDE SERVICES VIA
12 THE ROUTING OF VOICE CONVERSATIONS OVER THE INTERNET OR ANY OTHER INTER-
13 NET PROTOCOL BASED NETWORK, ALSO KNOWN AS VOIP, IP TELEPHONY, INTERNET
14 TELEPHONY, AND DIGITAL PHONE, AND WHO MARKET SUCH SERVICES TO THE PUBLIC
15 AS HAVING 911 OR E-911 CAPABILITY. THE TERMS USED IN THIS SECTION EXCEPT
16 WHERE EXPRESSLY INDICATED OTHERWISE SHALL MEAN AND BE DEFINED AS SET
17 FORTH IN 16 NEW YORK CODE RULES AND REGULATIONS SECTION 603.3.
18 1. SERVICE STANDARDS. SERVICE STANDARDS SHALL INCLUDE, BUT NOT BE
19 LIMITED TO, MEASURES RELATING TO OUT-OF-SERVICE OVER TWENTY-FOUR HOURS,
20 SERVICE AFFECTING OVER FORTY-EIGHT HOURS AND INSTALLATION ORDERS
21 COMPLETED WITHIN FIVE DAYS.
22 2. MINIMUM PERFORMANCE LEVELS. MINIMUM PERFORMANCE LEVELS FOR EACH
23 SERVICE STANDARD SHALL BE DEVELOPED TO ENSURE THAT PROVIDERS OF TELECOM-

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

LBD10591-02-5

1 MUNICIPALITIES SERVICES WITH ANNUAL REVENUES EXCEEDING TWO HUNDRED MILLION
2 DOLLARS IN THE STATE PROVIDE HIGH QUALITY CUSTOMER SERVICE AND HIGH
3 QUALITY TECHNICAL SERVICE TO ALL THEIR CUSTOMERS. THE DEPARTMENT MAY
4 ADOPT HIGHER PERFORMANCE LEVELS AND PENALTIES FOR ANY TELEPHONE COMPANY
5 BASED ON ITS PRIOR HISTORICAL PERFORMANCE AND IN ORDER TO MAINTAIN A
6 HIGH LEVEL OF SERVICE QUALITY WHERE APPROPRIATE.

7 3. PENALTIES. THE COMMISSION SHALL ASSESS PENALTIES FOR FAILURE TO
8 MEET ANNUAL PERFORMANCE TARGETS, WHICH SHALL BE MEASURED OVER A PROVID-
9 ER'S ENTIRE MARKET AREA IN THE STATE AND BY ENTITY LEVEL. THE COMMISSION
10 SHALL ESTABLISH A SCHEDULE OF PENALTIES FOR NONCOMPLIANCE WITH MINIMUM
11 PERFORMANCE LEVELS, AS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION, THE
12 IMPOSITION OF WHICH SHALL ENSURE A HIGH LEVEL OF SERVICE QUALITY FOR ALL
13 TELECOMMUNICATION CONSUMERS. PENALTIES SHALL BE SET AT A MINIMUM LEVEL
14 THAT ENSURES THAT THE COST TO THE TELECOMMUNICATIONS SERVICE PROVIDER OF
15 NONCOMPLIANCE IS LOWER THAN THE PENALTIES.

16 4. CUSTOMER CREDITS OR REBATES. THE COMMISSION SHALL ESTABLISH A SCHE-
17 DULE OF CUSTOMER CREDITS OR REBATES, WHICH SHALL BE GIVEN BY THE DIRECT
18 SERVICE PROVIDER TO CUSTOMERS AUTOMATICALLY FOR CUSTOMER OUT-OF-SERVICE
19 CONDITIONS, SERVICE AFFECTING OVER FORTY-EIGHT HOURS, AND FOR MISSED
20 INSTALLATION APPOINTMENTS. A SYSTEM OF GRADUATED CREDITS OR REBATES
21 SHALL BE ESTABLISHED FOR THOSE CUSTOMERS WHOSE OUT-OF-SERVICE CONDITION
22 WAS NOT CLEARED WITHIN THE PERIOD SET FORTH IN 16 NYCRR SECTION 603.3,
23 SERVICE AFFECTING OVER FORTY-EIGHT HOURS SET FORTH IN 16 NYCRR SECTION
24 603.3, OR INSTALLATION EXCEEDED THE PERIOD SET FORTH IN 16 NYCRR SECTION
25 603.3.

26 5. SERVICE QUALITY MONITORING AND REPORTING. THE COMMISSION SHALL
27 RE-ESTABLISH THE MONITORING AND MEASUREMENTS OF SERVICE QUALITY IN FORCE
28 ON JANUARY FIRST TWO THOUSAND TEN.

29 S 2. This act shall take effect immediately.