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

5960--A

2015-2016 Regular Sessions

I N  A S S E M B L Y

March 9, 2015

Introduced by M. of A. BRENNAN, LUPARDO, SCARBOROUGH, JAFFEE, LENTOL, CAHILL, GALEF, ABINANTI, STIRPE, ABBATE, ORTIZ, ROSENTHAL, WEPRIN, PAULIN, BARRETT, MAYER, STECK, CLARK, BRINDISI, SEPULVEDA, DINOWITZ, BENEDETTO, SEAWRIGHT, SKOUFIS, PALUMBO, SANTABARBARA -- Multi-Sponsored by -- M. of A. BUCHWALD, COOK, CROUCH, ENGLEBRIGHT, FAHY, GARBARINO, GLICK, GOTTFRIED, GUNTHER, HEVESI, JOYNER, LIFTON, LUPINACCI, MAGNARELLI, MARKEY, McDONALD, MOSLEY, PEOPLES-STOKES, RAIA, ROBINSON, SIMON, SOLAGES, THIELE, TITONE -- read once and referred to the Committee on Corporations, Authorities and Commissions -- 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 telecommunications industry in this state

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

Section 1. The New York State public service commission (the "commission") shall prepare and complete a comprehensive examination and study of the telecommunications industry in this state pursuant to the provisions of this act. The study shall include an analysis of the different and various telecommunication services, networks and technologies currently being offered to New Yorkers, and how they rate in terms of quality and reliability of service, consumer protections, and affordability.

S 2. The study shall include:

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

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

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

LBD09489-03-5

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

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

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

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

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

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

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

(b) recommendations on alternative approaches and statutory changes to ensure that telecommunication services and technologies remain affordable and reliable for all New Yorkers, and that such services are available and remain reliable in advance of, or during, a natural disaster.

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

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

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

S 5. This act shall take effect immediately.