

1305

2015-2016 Regular Sessions

I N   S E N A T E

January 9, 2015

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Introduced by Sen. PERALTA -- 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 telecommunications and cable 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 CORPORATION AND THEIR SUBSIDIARIES  
4     FURNISHING TRADITIONAL LANDLINE TELEPHONE SERVICE, FIBER OPTIC SERVICE,  
5     VOICE OVER INTERNET PROTOCOL (VOIP), DATA CIRCUITS, CABLE OR INTERNET  
6     SERVICES SHALL PROVIDE CALL CENTER SERVICE ASSISTANCE INCLUDING, BUT NOT  
7     LIMITED TO OPERATOR SERVICES, DIRECTORY ASSISTANCE BUREAUS AND CALL  
8     COMPLETION SERVICES FOR THE FOLLOWING:

9        (1) DETERMINING CUSTOMER FINANCIAL RESPONSIBILITY;

10       (2) TAKING REQUESTS FOR NEW OR ADDITIONAL SERVICES, INCLUDING, BUT NOT  
11       LIMITED TO, EMERGENCY SERVICE, COMPLETING ASSISTANCE WITH DIALING, USING  
12       CALLING CARDS, CONNECTING COLLECT CALLS, BUSY LINE VERIFICATION OR RELAY  
13       CENTERS FOR THE HEARING IMPAIRED, PROVIDING REQUESTED LOCAL AND NATIONAL  
14       TELEPHONE NUMBERS, REVERSE NUMBER SEARCHES AND TAKING REQUESTS FOR AND  
15       COMPLETING THE PUBLISHING AND NON-PUBLISHING OF A TELEPHONE NUMBER, AND  
16       PROVIDING ASSISTANCE TO PAYPHONE CUSTOMERS;

17       (3) DETERMINING DEPOSIT REQUIRED OR BILLING RATE;

18       (4) PREPARING INSTALLATION AND REPAIR SERVICE ORDERS AND OBTAINING  
19       ACCESS TO SUBSCRIBER'S PREMISES;

20       (5) EXPLAINING COMPANY RATES, REGULATIONS, POLICIES, PROCEDURES,  
21       EQUIPMENT AND COMMON PRACTICES;

22       (6) INVESTIGATING TROUBLE ORDER FORMS AND INITIATING HIGH BILL INVE-  
23       TIGATIONS;

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

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1 (7) HANDLING PAYMENT AND OTHER CREDIT ARRANGEMENTS SUCH AS OBTAINING  
2 DEPOSITS, FINANCIAL STATEMENTS AND PAYMENT PLANS; AND

3 (8) AIDING CUSTOMERS WITH INTERNAL ASSISTANCE PROGRAMS.

4 (B) NO TELECOMMUNICATION CORPORATION SHALL CLOSE A CALL CENTER OR  
5 OTHER FACILITY PROVIDING THE CUSTOMER ASSISTANCE SET FORTH IN PARAGRAPH  
6 (A) OF THIS SUBDIVISION OR RELOCATE SUCH CUSTOMER ASSISTANCE TO ANOTHER  
7 AREA OF THIS STATE OR OUTSIDE OF THIS STATE WITHOUT NOTICE AND HEARING  
8 BEFORE THE COMMISSION. HOWEVER, AT NO TIME SHALL A TELECOMMUNICATION  
9 CORPORATION PERMANENTLY TRANSFER MORE THAN .7 PERCENT OF JOBS FROM ANY  
10 CALL CENTER DESCRIBED ABOVE TO ANOTHER AREA OF THIS STATE OR OUTSIDE OF  
11 THE STATE AND A VALID COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT  
12 CONTRACT THAT GOVERNS PERMANENT TRANSFER PERCENTAGES OF CALL CENTER JOBS  
13 SHALL SUPERSEDE THE .7 PERCENT JOB TRANSFER RATE DESCRIBED ABOVE.

14 (C) THIS SUBDIVISION SHALL NOT APPLY TO THE COLLECTION OF DEBT WHEREBY  
15 UTILITY COMPANY POLICY SUCH DEBT IS DIRECTED TO A COLLECTION AGENCY OR  
16 SIMILAR SERVICE COMPANIES OR WHERE THE ATTENDANCE OF CALL CENTER EMPLOY-  
17 EES IS LESS THAN NINETY PERCENT IN ANY GIVEN MONTH, THIS SECTION SHALL  
18 NOT APPLY FOR THE FOLLOWING MONTH. ATTENDANCE FOR THIS SECTION SHALL BE  
19 DEFINED WHEN AN EMPLOYEE IS EXPECTED TO REPORT TO WORK AS SCHEDULED. IF  
20 A COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT DEFINES ATTEND-  
21 ANCE THEN THAT SHALL SUPERSEDE THE DEFINITION ABOVE. IF ATTENDANCE FALLS  
22 BELOW NINETY PERCENT AS A DIRECT RESULT OF THE CORPORATION THEN THIS  
23 SECTION SHALL APPLY.

24 S 2. The general business law is amended by adding a new section 394-f  
25 to read as follows:

26 S 394-F. CABLE COMPANY CALL CENTERS. (A) EVERY CABLE CORPORATION AND  
27 THEIR SUBSIDIARIES FURNISHING TRADITIONAL LANDLINE TELEPHONE SERVICE,  
28 FIBER OPTIC SERVICE, VOICE OVER INTERNET PROTOCOL (VOIP), DATA CIRCUITS,  
29 CABLE OR INTERNET SERVICES SHALL PROVIDE CALL CENTER SERVICE ASSISTANCE  
30 INCLUDING, BUT NOT LIMITED TO OPERATOR SERVICES, DIRECTORY ASSISTANCE  
31 BUREAUS AND CALL COMPLETION SERVICES FOR THE FOLLOWING:

32 (1) DETERMINING CUSTOMER FINANCIAL RESPONSIBILITY;

33 (2) TAKING REQUESTS FOR NEW OR ADDITIONAL SERVICES, INCLUDING, BUT NOT  
34 LIMITED TO, EMERGENCY SERVICE, COMPLETING ASSISTANCE WITH DIALING, USING  
35 CALLING CARDS, CONNECTING COLLECT CALLS, BUSY LINE VERIFICATION OR RELAY  
36 CENTERS FOR THE HEARING IMPAIRED, PROVIDING REQUESTED LOCAL AND NATIONAL  
37 TELEPHONE NUMBERS, REVERSE NUMBER SEARCHES AND TAKING REQUESTS FOR AND  
38 COMPLETING THE PUBLISHING AND NON-PUBLISHING OF A TELEPHONE NUMBER, AND  
39 PROVIDING ASSISTANCE TO PAYPHONE CUSTOMERS;

40 (3) DETERMINING DEPOSIT REQUIRED OR BILLING RATE;

41 (4) PREPARING INSTALLATION AND REPAIR SERVICE ORDERS AND OBTAINING  
42 ACCESS TO SUBSCRIBER'S PREMISES;

43 (5) EXPLAINING COMPANY RATES, REGULATIONS, POLICIES, PROCEDURES,  
44 EQUIPMENT AND COMMON PRACTICES;

45 (6) INVESTIGATING TROUBLE ORDER FORMS AND INITIATING HIGH BILL INVES-  
46 TIGATIONS;

47 (7) HANDLING PAYMENT AND OTHER CREDIT ARRANGEMENTS SUCH AS OBTAINING  
48 DEPOSITS, FINANCIAL STATEMENTS AND PAYMENT PLANS; AND

49 (8) AIDING CUSTOMERS WITH INTERNAL ASSISTANCE PROGRAMS.

50 (B) NO CABLE CORPORATION SHALL CLOSE A CALL CENTER OR OTHER FACILITY  
51 PROVIDING THE CUSTOMER ASSISTANCE SET FORTH IN SUBDIVISION (A) OF THIS  
52 SECTION OR RELOCATE SUCH CUSTOMER ASSISTANCE TO ANOTHER AREA OF NEW YORK  
53 STATE OR OUTSIDE OF THIS STATE WITHOUT NOTICE AND HEARING BEFORE THE  
54 COMMISSION. HOWEVER, AT NO TIME SHALL A CABLE CORPORATION PERMANENTLY  
55 TRANSFER MORE THAN .7 PERCENT OF JOBS FROM ANY CALL CENTER DESCRIBED  
56 ABOVE TO ANOTHER AREA OF THIS STATE OR OUTSIDE OF THE STATE AND A VALID

1 COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT THAT GOVERNS  
2 PERMANENT TRANSFER PERCENTAGES OF CALL CENTER JOBS SHALL SUPERSEDE THE  
3 .7 PERCENT JOB TRANSFER RATE DESCRIBED ABOVE.

4 (C) THIS SUBDIVISION SHALL NOT APPLY TO THE COLLECTION OF DEBT WHEREBY  
5 UTILITY COMPANY POLICY SUCH DEBT IS DIRECTED TO A COLLECTION AGENCY OR  
6 SIMILAR SERVICE COMPANIES OR WHERE THE ATTENDANCE OF CALL CENTER EMPLOY-  
7 EES IS LESS THAN NINETY PERCENT IN ANY GIVEN MONTH THIS SECTION SHALL  
8 NOT APPLY FOR THE FOLLOWING MONTH. ATTENDANCE FOR THIS SECTION SHALL BE  
9 DEFINED WHEN AN EMPLOYEE IS EXPECTED TO REPORT TO WORK AS SCHEDULED. IF  
10 A COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT DEFINES ATTEND-  
11 ANCE THEN THAT SHALL SUPERSEDE THE DEFINITION ABOVE. IF ATTENDANCE FALLS  
12 BELOW NINETY PERCENT AS A DIRECT RESULT OF THE CORPORATION THEN THIS  
13 SECTION SHALL APPLY.

14 S 3. This act shall take effect on the thirtieth day after it shall  
15 have become a law; provided, however, that the public service commission  
16 is immediately authorized and directed to take any and all actions,  
17 including but not limited to the promulgation of any rules or regu-  
18 lations necessary to implement the provisions of this act on such effec-  
19 tive date.