

STATE OF NEW YORK

1217

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. LIFTON, LUPARDO, THIELE, FAHY, WILLIAMS, BARRON, ABINANTI, WRIGHT, MAGNARELLI, PAULIN, VANEL, COLTON, WALKER, ARROYO, DICKENS, WALLACE, STECK, PEOPLES-STOKES, COOK, ORTIZ, GLICK, BENEDETTO, PERRY, RYAN, RICHARDSON, CARROLL, SANTABARBARA, CUSICK, WOERNER, ROZIC, L. ROSENTHAL, OTIS, GOTTFRIED, JEAN-PIERRE, MOSLEY, GALEF, QUART, BICHOTTE, D'URSO -- Multi-Sponsored by -- M. of A. DE LA ROSA, ENGLEBRIGHT, HYNDMAN, LENTOL, RAMOS, RODRIGUEZ, SIMON -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to service quality standards for copper telephone systems

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings. The legislature hereby finds and
2 declares that copper telephone systems are in a state of disrepair due
3 to aging equipment and underinvestment by telephone corporations in the
4 financial and workforce capital needed to ensure the system's high qual-
5 ity functioning. In 2005 the public service commission severely
6 curtailed service quality penalties, which has led telephone companies
7 to virtually abandon upkeep of copper telephone systems letting them age
8 and deteriorate. Copper telephone systems will continue to deteriorate
9 if such issues are not addressed.

10 Millions of New Yorkers rely on the copper telephone system, in many
11 places with no alternative source of affordable service. Many customers
12 are subject to prolonged service outages, long delays in new service
13 installation, and frequent instances of substandard service. Further,
14 many telephone companies lack the workforce necessary to meet the
15 system's installation, maintenance and repair needs.

16 While some communities within the state are not reliant on copper
17 telephone systems, many still are. There are communities that have
18 access to fiber optic services but significant portions of upstate
19 including cities and rural areas and other underserved areas do not. In

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

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1 many cases the regions which do not have access to fiber optic services
2 are the same areas suffering from the worst copper service. In most of
3 these communities, customers face a virtual broadband monopoly because,
4 as the Staff Telecommunications Assessment reported in the summer of
5 2015, fewer than 1% of broadband customers choose satellite as their
6 provider and wireless alternatives are too costly because of data caps.
7 Thus it is necessary to fix and keep copper telephone systems in good
8 working condition since many communities in New York state are still
9 reliant on them. It is the responsibility of the public service commis-
10 sion to ensure that all telephone corporations maintain their copper
11 telephone systems in a state of good repair so that all regions of New
12 York state have equal access to quality functioning telecommunications
13 services.

14 § 2. The public service law is amended by adding a new section 91-b to
15 read as follows:

16 § 91-b. Service quality standards for copper telephone systems. 1. In
17 accordance with subdivision one of section ninety-one and section nine-
18 ty-eight of this article, the commission shall require all copper tele-
19 phone systems to be maintained in a state of good repair within three
20 years of the effective date of this section.

21 2. The commission shall establish a plan to achieve a state of good
22 repair for all copper telephone systems. Such plan shall include, but
23 shall not be limited to:

24 (a) Reinvestment in copper telephone system plants. Such reinvestment
25 shall include replacing, upgrading, maintaining and repairing equipment
26 and maintaining a sufficient workforce to perform required maintenance;

27 (b) Maintenance of air pressure systems. Such maintenance shall
28 include updating air pressure equipment such as transducers, manifolds,
29 and dehydrators and cable repairs. An adequate workforce shall be main-
30 tained to perform required maintenance on such air pressure systems;

31 (c) Creation of proactive maintenance crews to ensure all customers
32 receive quality service; and

33 (d) Collection and assessment of service quality data. The commission
34 shall then impose service quality penalties for failure to meet service
35 quality metrics for all consumers.

36 § 3. This act shall take effect immediately.