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:

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

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

While some communities within the state are not reliant on copper telephone systems, many still are. There are communities that have access to fiber optic services but significant portions of upstate 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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many cases the regions which do not have access to fiber optic services are the same areas suffering from the worst copper service. In most of these communities, customers face a virtual broadband monopoly because, as the Staff Telecommunications Assessment reported in the summer of 2015, fewer than 1% of broadband customers choose satellite as their provider and wireless alternatives are too costly because of data caps. Thus it is necessary to fix and keep copper telephone systems in good working condition since many communities in New York state are still reliant on them. It is the responsibility of the public service commission to ensure that all telephone corporations maintain their copper telephone systems in a state of good repair so that all regions of New York state have equal access to quality functioning telecommunications services.

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

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

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

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

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

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

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

§ 3. This act shall take effect immediately.