STATE OF NEW YORK

5043

2019-2020 Regular Sessions

IN ASSEMBLY

February 6, 2019

Introduced by M. of A. PAULIN, GALEF, DINOWITZ, MAGNARELLI, ENGLEBRIGHT, GOTTFRIED, ABINANTI, CAHILL, EPSTEIN, LIFTON, SIMON, ZEBROWSKI, RAIA -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to the provision of wireless communication services; and repealing certain provisions of such law relating thereto

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

Section 1. Subdivision 6 of section 5 of the public service law is REPEALED.

§ 2. Section 92-h of the public service law is REPEALED.

§ 3. The public service law is amended by adding a new article 12 to read as follows:

ARTICLE 12

PROVISIONS RELATING TO WIRELESS COMMUNICATION SERVICES

Section 250. Statement of policy.
251. Definitions.
252. Applicability of article.
253. Duties of the commission in respect to wireless communication services companies.
254. Powers of the commission in respect to wireless services companies.
255. Costs and expenses of the commission and department and assessment thereof related to the regulation of wireless services companies.
256. Municipal fees; taxes or charges.
257. Construction of systems.
258. Requirement for adequate service.
259. Consumer protection.
260. Rates.

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

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261. Forfeiture.
262. Investigations by commission.
263. Authority of the commission.
264. Duties of the commission in respect to New York state supplemental lifeline discounted service for wireless communication services.
265. Reporting requirements for disruptions to wireless communication services.

§ 250. Statement of policy. The last decade has produced radical change throughout the telecommunications industry. Previously, voice and video were distinct services, with different technology platforms, capabilities and benefits. This is no longer the case. The internet and broadband connections to the internet have disrupted the conventional wisdom that previously governed the mechanisms, business models and regulatory construct for voice, cable and data communications.

Voice service enables real-time voice communications and provides access to E911 services. Where telecommunication was previously a terrestrial service provided over copper cable, telecommunication today includes wireline, wireless, and broadband-based services. Broadband and wireless networks have enabled the emergence of video communications along with the rise of text messaging and email as further mechanisms for real-time connections. These powerful uses of technology are indicative of how broadband and wireless networks are radically altering the societal norms of interactive communication.

There has been a migration from traditional voice communications over a wireline service to wireless services. An increasingly large percentage of households use wireless phones as their primary or only means of telephone service and such households increasingly use wireless phones for broadband access as well. The vast majority of residents and businesses in the state utilize wireless communication services to aid their health, safety and welfare. Wireless communication will continue to expand as new network infrastructure is developed to allow consumers to access the internet at faster speeds. As this expansion occurs, consumers no doubt will continue to have various complaints regarding their wireless communication services such as billing, call quality, contract early-termination, customer service, carrier marketing and advertising, number portability, and equipment.

In light of these new circumstances, the legislature determines that there is an over-reliance on market competition to regulate wireless communication services companies and that the over twenty year suspension on regulating cellular telephone services in this chapter should be lifted and repealed.

While congress and the federal communications commission have jurisdiction over the entry into and exit out of the market and the rates for wireless services, New York state has jurisdiction over consumer protection, service quality, emergency reporting and ensuring universal service. Accordingly, there is a need for a state agency to determine state wireless communications policy, to both ensure that wireless communication services companies provide adequate service and consumer protections to their subscribers; and oversee the development of a wireless service industry responsive to community and public interest, consonant with federal regulations and statutes.

The commission is the agency best suited to oversee the continued development of the wireless communication services industry in this state in accordance with a statewide wireless services plan and consistent with state communications policy generally, to set service quality

standards and ensure compliance, to receive and address customer complaints, and enforce customer protections.

§ 251. Definitions. The words and phrases used in this article shall have the following meanings unless a different meaning clearly appears in the context.

1. "Downgrade" shall mean a change in service initiated by the subscriber to a less expensive service tier than the one currently subscribed to.

2. "Gross annual receipts" shall mean any and all compensation received directly or indirectly by a wireless communication services company from its operations within the state, including but not limited to, sums received from subscribers or users in payment for wireless communication services, advertising and carrier service revenue and any other moneys that constitute income in accordance with the system of accounts approved by the commission.

3. "Person" shall mean any individual, trustee, partnership, association, corporation or other legal entity.

4. "Service tier" shall mean a category of wireless communication services or other services provided by a wireless communication services company and for which a rate or fee is charged by the wireless communication services company.

5. "State agency" shall mean any office, department, board, commission, bureau, division, public corporation, agency or instrumentality of the state.

6. "Wireless communication services company" shall mean any person owning, controlling, operating, managing or leasing one or more wireless communication services systems within the state.

7. "Wireless communication services system" shall mean any system which operates for hire, the service of providing real time communication wirelessly, including but not limited to, cellular phones.

§ 252. Applicability of article. The provisions of this article shall apply to every wireless communication services system and every wireless communication services company.

§ 253. Duties of the commission in respect to wireless communication services companies. The commission shall:

1. develop and maintain a statewide plan for the development of wireless communication services, setting forth the objectives which the commission deems to be of regional and state concern;

2. prescribe standards for the construction and operation of wireless communication services systems, which standards shall be designed to promote (a) safe, adequate and reliable service to subscribers, (b) the construction and operation of systems consistent with the most advanced technology when practicable, (c) a construction schedule providing for maximum penetration as rapidly as possible within the limitations of economic feasibility, (d) the construction of systems with facilities to provide service in areas conforming to various community interests, facilities with the technical capacity for interconnection with other systems within the regions as established in the commission's statewide plan and facilities capable of transmitting signals from subscribers to the wireless communication services company or to other points, and (e) the prompt handling of inquiries, complaints and requests for repairs;

3. represent the interests of the people of the state before the federal communications commission and other appropriate federal agencies and make available information on wireless communication developments at the federal level;

4. maintain liaison with the wireless communications industry and parties, both public and private, having an interest therein, other states and agencies of this state to promote the rapid harmonious development of wireless communication services as set forth in the statement of policy under section two hundred fifty of this article;

5. undertake such studies as may be necessary to meet the responsibilities and objectives of this article;

6. implement the provisions of this article in a manner which is cognizant of the differing financial and administrative capabilities of companies of different sizes;

7. encourage and cooperate with other state agencies that collect information from wireless communication services companies to eliminate duplicative reporting requirements.

§ 254. Powers of the commission in respect to wireless services companies. 1. The commission may promulgate, issue, amend and rescind such orders, rules and regulations as it may find necessary or appropriate to carry out the purposes of this article. Such orders, rules and regulations may classify persons and matters within the jurisdiction of the commission and prescribe different requirements for different classes of persons or matters. A copy of any order, rule or regulation promulgated hereunder shall be subject to public inspection during reasonable business hours and posted on the commission's website.

2. The commission may require wireless communication services companies to maintain and file such reports, contracts and statements, including but not limited to ownership, accounting, auditing and operating statements, engineering reports and other data as the commission may deem necessary or appropriate to administer the provisions of this article. The commission, including members of its staff, may make reasonable inspections of the records and facilities of any wireless communication services company.

3. The commission may examine, under oath, all officers, agents, employees and stockholders of any wireless communication services company, municipal officials and any other persons and compel the production of papers and the attendance of witnesses to obtain the information necessary to administer the provisions of this article.

4. The commission may require and receive from any agency of the state or any political subdivision thereof such assistance and data as may be necessary to enable the commission to administer the provisions of this article.

5. The commission shall have and may exercise all other powers necessary or appropriate to carry out the purposes of this article.

§ 255. Costs and expenses of the commission and department and assessment thereof related to the regulation of wireless services companies. 1. All costs and expenses of the department and commission related to wireless communication services companies shall be paid pursuant to appropriation in the first instance from the state treasury, on the certification of the chair of the department and upon the audit and warrant of the comptroller. The state treasury shall be reimbursed therefor by payments to be made from moneys collected pursuant to this article.

2. Notwithstanding the provisions of subdivision one of this section, by February first of each year, the chair of the department shall estimate the total direct and indirect costs and expenses necessary to operate and administer the powers and duties of the commission and department relating to wireless communication services companies for the ensuing state fiscal year. The chair shall, prior to March first, bill

and collect from each wireless communication services company an amount computed by multiplying such total estimated operating expenses of the commission by a fraction, the numerator of which is the gross annual receipts of such wireless communication services company during the last preceding calendar year or other twelve month period as determined by the chair, and the denominator of which is the total annual gross receipts of all wireless communication services companies operating in the state during such period. A wireless communication services company may elect to make partial payments equal to one quarter of the total amount billed, by March tenth of the preceding fiscal year to which the billing relates, or on such other dates as the director of the budget may require. On or before September thirtieth of each year, the chair shall compute the actual direct and indirect costs and expenses of the commission for wireless communication services regulation for the preceding state fiscal year and shall compute the amount actually received as reimbursement for the preceding state fiscal year. If such amount collected by the department as reimbursement for the preceding fiscal year is less than the direct and indirect costs and expenses incurred by the commission and the department for wireless communication services regulation during such preceding fiscal year, the chair shall, on or before October fifteenth of each year, bill each wireless communication services company for its proportionate share of the deficit. Any amount owing by any wireless communication services company shall be payable not later than thirty days following the date of such bill. Any amount owed by any wireless communication services company which remains unpaid by May first of the following year shall be included in the estimate of the total direct and indirect costs and expenses necessary to operate and administer the powers and duties of the commission and the department related to wireless communication services regulation for the current state fiscal year. If the amount collected for a fiscal year is more than the direct and indirect costs and expenses related to wireless communication services regulation incurred by the commission and the department during such fiscal year, the chair shall, on or before October fifteenth of the following year, refund or credit each wireless communication services company for its proportionate share of the surplus. Any amount standing to the credit of any wireless communication services company shall be applied as a credit against any succeeding payment due. In no event shall the amount billed to or collected from any wireless communication services company pursuant to this section exceed two percent of the gross annual receipts of such company during the twelve month period designated by the commission.

§ 256. Municipal fees; taxes or charges. Nothing in this article shall be construed to limit the power of any municipality to impose upon any wireless communication services company, a fee, tax or charge, provided that any such fee, tax or charge when added to the amount payable to the commission pursuant to section two hundred fifty-five of this article does not exceed the maximum amount permitted by applicable federal law, rules or regulations.

§ 257. Construction of systems. Every wireless communication services system constructed after April first, two thousand twenty shall comply with such construction standards as the commission may prescribe pursuant to subdivision two of section two hundred fifty-three of this article.

§ 258. Requirement for adequate service. 1. Every wireless communication services company shall provide safe, adequate and reliable service in accordance with applicable laws and regulations.

2. Whenever, upon complaint or upon its own motion, and after public notice and opportunity for hearing, the commission finds that, despite its economic feasibility, the construction or operation of a wireless communication services system has been unreasonably delayed or that the extension of service to any persons or areas has been unreasonably withheld, it may order such construction, operation or extension on such terms and conditions as it deems reasonable and in the public interest.

3. Whenever, upon complaint or upon its own motion and after a public hearing and opportunity for hearing, the commission finds that a wireless communication services company is not meeting the service requirements and obligations imposed by this article or by the regulations promulgated hereunder, it may order compliance therewith on such terms and conditions as it deems reasonable and in the public interest.

4. The commission shall designate areas where significant inconsistent installations of wireless communication services systems may be proposed, and, as appropriate, conduct public hearings in such areas. The commission shall also conduct such other proceedings as are necessary to determine whether such inconsistent installations will have an adverse impact on the character of said areas and are warranted by economic and technical circumstances.

§ 259. Consumer protection. 1. Notification of commission. Every wireless communication services company shall notify the commission of any service change no later than the later occurrence of forty-five days prior to the network change or five business days after the wireless communication services company first knows of such change.

2. Notification of subscribers. (a) Every wireless communication services company shall notify each of its subscribers who are affected by a network change of such change no later than the later occurrence of thirty days prior to such change or thirty days after the wireless communication services company first knows of such change.

(b) Such notice shall be given to each affected subscriber in any one of the following forms:

(1) by the mailing of a separate written notice to the subscriber's billing address of record;

(2) by a written notation printed on the subscriber's regular billing statement; or

(3) by written notice accompanying the subscriber's regular billing statement.

(c) Upon application of a wireless communication services company, the commission may order that no notice need be provided pursuant to this subdivision upon a written finding following standards to be promulgated by the commission that a change was not a network change.

(d) Upon application of a wireless communication services company, the commission may order that an applicable form of notice as defined in paragraph (b) of this subdivision or notice period as provided in paragraph (a) of this subdivision be changed for a particular notice, upon a written finding that such an order is in the best interests of the subscribers or is otherwise warranted for reasons of practicality. Upon a written finding that a wireless communications services company's compliance with subparagraph two of paragraph (b) of this subdivision is technically unfeasible, the commission may grant to such company a general waiver pursuant to this paragraph and shall notify the commission within three days if compliance becomes technically feasible.

(e) Upon application of a subscriber or upon its own motion, the commission may order that a particular notice be sent to subscribers as the commission shall determine to be appropriate. The commission shall

make such order only upon finding that the subscribers who shall receive notice thereunder will be affected by the network change.

(f) Notification under this subdivision shall include a description of the subscriber's rights under this section, as applicable.

3. Failure to give notice. If a wireless communication services company fails to comply with the notice requirements under subdivision two of this section, any subscribers affected thereby may downgrade or terminate their service without charge at any time up to thirty days after the date on which proper notice of such change is provided and such downgrade or termination shall be deemed effective for billing purposes on the date of such change.

4. Rate, programming, service and equipment information. (a) Each wireless communication services company shall provide to each of its subscribers at the time of the initial subscription and at least semi-annually thereafter a written description, materially accurate as of the first day of the previous month, of all the services offered on the wireless communication services system and of the rates and charges relating to such services; provided however, that with respect to the provision of such description to new subscribers the wireless communication services company shall also provide any notices required by this article not included in such written description that have been provided to current subscribers as of the date of the initial subscription. Such written description shall, in addition, contain a statement of significant rights accorded to the subscriber pursuant to this article and any other law, rules or regulations promulgated pursuant thereto, such statement to be in a form approved by, or at the option of the wireless communication services company, prepared and revised as appropriate on a quarterly basis by the commission. The commission may extend the time within which a wireless communication services company must make its semi-annual mailing where such an extension is in the interest of such company's subscribers or is otherwise warranted for reasons of practicality. Upon a finding that a wireless communication services company bills its subscribers only on an annual basis by use of a coupon book, and makes no other regular mailing to subscribers more than quarterly, the commission shall allow such wireless communication services company to mail such written description to its subscribers annually.

(b) Each wireless communication services company shall provide to each person who requests information concerning rates, service charges or procedures, or who requests any change of service, a written description, materially accurate as of the first day of the previous month, of the programs and services offered and of the rates and charges relating to such services. Such written description shall, in addition, contain a statement of significant rights accorded to the subscriber pursuant to this article and any other law, rules or regulations promulgated pursuant thereto, such statement to be in a form approved by, or at the option of the wireless communication services company, prepared and revised as appropriate on a quarterly basis, by the commission. Any person who makes such a request in person to a wireless communication services company customer service representative or salesperson must immediately be supplied with a copy of such written description. Any person who makes a request by telephone must be supplied with such written description sent by first class mail or at the consent of the requester, by email, within ten business days of such request.

(c) Each wireless communication services company shall provide each customer service representative and each salesperson with copies of the

most current written description and shall advise them of the requirements of this section.

5. Downgrade and termination following notice of a network change. Where an affected subscriber, following receipt of the notice required under paragraph (a) of subdivision two of this section, elects in person, in writing, by email or by telephone within forty-five days of receiving such notice to have service terminated or to downgrade, no charge may be imposed by the wireless communication services company for such downgrade or termination.

6. (a) Whenever, upon complaint or upon its own motion, and after giving public notice and an opportunity for a public evidentiary hearing, which accords due process to the wireless communication services company, the commission finds that a wireless communication services company has not complied with any provision of this section, the commission shall order such compliance therewith and may order such penalty as is hereinafter provided.

(b) A determination of the commission, after the procedures set forth in paragraph (a) of this subdivision have been complied with, that a wireless communication services company has failed to comply with any provision of this section shall be considered a violation of subdivision one of section two hundred sixty-one of this article, and shall subject such company to the imposition of a money forfeiture pursuant to said subdivision. Upon a determination by the commission, upon adequate record evidence, that a wireless communication services company has willfully or intentionally violated the provisions of this section, or that such a company has repeatedly violated such provisions so as to permit a fair inference of a willful or intentional violation by such company, the commission may direct such company to forfeit to the state of New York a sum to be set by the commission not to exceed ten thousand dollars for each such violation. If, in any twenty-four month period, a wireless communication services company violates subdivision two of this section on two separate occasions, such conduct shall constitute prima facie evidence of repeated, willful violations.

(c) Nothing in this subdivision shall be construed to impair, alter, limit, modify, enlarge, abrogate or restrict any right granted by statutory or common law to the attorney general or any other person.

7. The commission shall adopt such other rules and regulations, providing consumer protections to customers of wireless communication services companies, as the commission deems necessary and proper. Such regulations shall include, but not be limited to provisions governing applications for service, termination, reconnection of service, customer notice and customer complaints.

§ 260. Rates. In the event the commission finds that any rate is discriminatory or preferential or fails to comply with federal law or regulation, the commission shall report such finding to the federal communications commission and any other appropriate federal agencies.

§ 261. Forfeiture. 1. Every wireless communication services company, and all officers, agents and employees of any wireless communication services company shall obey, observe and comply with every order, direction or requirement made by the commission, under the authority of this article, so long as the same shall be and remain in force. Except as provided in subdivision two of this section, any wireless communication services company which shall violate any provision of this article, or which fails, omits or neglects to obey, observe or comply with any order or any direction or requirement of the commission, shall forfeit to the people of the state of New York a sum to be set by the commission not to

exceed ten thousand dollars for each and every offense; every violation of any such order or direction or requirement, or of this article, shall be a separate and distinct offense, and, in case of a continuing violation, every day's continuance thereof shall be a separate and distinct offense.

2. Notwithstanding subdivision one of this section, any wireless communication services company which (a) shall fail to make and file its annual report as and when required or within such extended time as the commission may allow, or (b) shall fail to make specific answers to any question within the period specified by the commission for the making and filing of such answers, or (c) shall fail to submit such special reports as the commission may from time to time require, within the period specified by the commission for the submission thereof, shall forfeit to the state the sum of five hundred dollars for each and every day such company shall continue to be in default with respect to such annual report, answer or special report.

3. An action to recover a forfeiture under subdivision one or two of this section may be brought at any time within one year after the cause of action accrues, in any court of competent jurisdiction in this state, in the name of the people of the state of New York, and shall be commenced and prosecuted to final judgment by the commission. In any such action all forfeitures incurred up to the time of commencing the same may be sued for and recovered therein, and the commencement of an action to recover a forfeiture shall not be, or be held to be, a waiver of the right to recover any other penalty or forfeiture. All moneys recovered in any such action, together with the costs thereof, shall be paid into the state treasury to the credit of the general fund.

§ 262. Investigations by commission. 1. The commission may of its own motion investigate or make inquiry in a manner to be determined by itself as to any act done or omitted to be done by any wireless communication services company and the commission must make such inquiry in regard to any act done or omitted to be done by any wireless communication services company in violation of any provisions of law or in violation of any order of the commission.

2. The commission may of its own motion or upon complaint of any person or corporation aggrieved investigate and determine whether the property of any wireless communication services company or person actually used within the state in the business of affording a wireless communication services system for hire is of a value exceeding ten thousand dollars.

3. Complaints may be made to the commission by the department of state or by any person or corporation aggrieved, by petition or complaint in writing, setting forth any act done or omitted to be done by any wireless communication services company alleged to be in violation of this article or charter, or of any order or regulation of the commission. Upon the presentation of such a complaint, the commission shall cause a copy thereof to be forwarded to the person or corporation complained of which may be accompanied by an order directed to such person or corporation requiring that the matters complained of be satisfied or that the charges be answered in writing within a time to be specified by the commission. If the person or corporation complained of shall make reparation for any injury alleged and shall cease to commit or permit the violation of law, franchise, order, or regulation charged in the complaint, if any there be, and shall notify the commission of that fact before the time allowed for answer, the commission need take no further action upon the charges. If, however, the charges contained in such

petition are not satisfied and it shall appear to the commission that there are reasonable grounds therefor, it shall investigate such charges in such manner and by such means as it shall deem proper and take such action within its powers as the facts in its judgment justify.

4. Whenever the commission shall investigate any matter complained of by any person or corporation aggrieved by any act or omission of a wireless communication services company under this section, it shall be its duty within sixty days after final submission to make and file an order either dismissing the petition or complaint or directing the wireless communication services company complained of to satisfy the cause of complaint in whole or to the extent which the commission may specify and require.

5. (a) The commission shall have power to provide for a management and operations audit of any wireless communication services company. The commission shall have discretion to have such audits performed by its staff or by independent auditors.

(b) In every case in which the commission chooses to have the audit provided for in this subdivision performed by independent auditors, it shall have authority to select the auditors, and to require the wireless communication services company being audited to enter into a contract with the auditors providing for their payment by such company. Such contract shall provide further that the auditors shall work for and under the direction of the commission according to such terms as the commission may determine are necessary and reasonable. The commission shall not enter into any such contract with an auditor who shall have contracted with the corporation being audited within the last two years and shall require, within the terms of the contract, that such auditor will not contract with the corporation being audited until at least two years have elapsed from the date such audit was completed.

(c) The commission shall have authority to direct the company to implement any recommendations resulting from such audits that it finds to be necessary and reasonable and shall commence the first audit on or before the one hundred twentieth day after the effective date of this article.

§ 263. Authority of the commission. Nothing in this article is intended to limit, impair or affect the commission's legal authority under any other provision of this chapter.

§ 264. Duties of the commission in respect to New York state supplemental lifeline discounted service for wireless communication services. 1. The commission shall annually do all of the following:

(a) Designate a class of lifeline service necessary to meet minimum wireless communication service needs.

(b) Set the rates and charges for that service.

(c) Develop eligibility criteria for that service.

(d) Assess the degree of achievement of universal service of wireless communication services, including wireless communication services penetration rates by income, ethnicity and geography.

2. Minimum wireless communication service needs include, but are not limited to, the ability to ordinate and receive calls and the ability to access electronic information services.

3. The commission is authorized and empowered to require each wireless communication services provider to offer certain low-income customers the availability of certain wireless communication services and access such wireless communication services at reduced rates.

4. The commission is authorized and empowered to require wireless communication service providers to contribute to the New York state

Targeted Accessibility Fund for the purposes of funding New York state's supplemental lifeline discounted service for wireless communication services for eligible low-income customers.

5. The commission shall take necessary action to notify the general public of the availability of lifeline services including, but not limited to, public service announcements, newspaper notices, website postings and any other notice reasonably calculated to reach those who may benefit from the services.

§ 265. Reporting requirements for disruptions to wireless communication services. 1. For the purposes of this section the term "outage" shall be defined as a significant degradation in the ability of an end user to establish and maintain a channel of communication as a result of failure or degradation in the performance of a wireless communications services system.

2. All wireless communication services companies shall submit electronically a notification to the commission within one hundred twenty minutes of discovering that they have experienced on any facilities that they own, operate, lease, or otherwise utilize, an outage of at least thirty minutes duration:

(a) of a mobile switching center; or

(b) that potentially affects at least nine hundred thousand user minutes of either telephony and associated data service or paging service.

3. In determining the number of users potentially affected by a failure of a switch, a wireless communication services company shall multiply the number of macro cell sites disabled in the outage by the average number of users served per site, which is calculated as the total number of users for the wireless communication services company divided by the total number of the wireless communication services company's macro cell sites.

4. For providers of paging service only, a notification must be submitted if the failure of a switch for at least thirty minutes duration potentially affects at least nine hundred thousand user minutes.

5. Not later than seventy-two hours after discovering the outage, the wireless communication services company shall submit electronically an initial communications outage report to the commission. Not later than thirty days after discovering the outage, the wireless communication services company shall submit electronically a final communications outage report to the commission.

6. The notification and initial and final reports shall comply with the requirements of subdivision seven of this section.

7. (a) Notification and the initial and final wireless communication services outage reports shall be submitted by a person authorized by the wireless communication services company to submit such reports to the commission. The person submitting the final report to the commission shall also be authorized by the wireless communication services company to legally bind the wireless communication services company to the truth, completeness and accuracy of the information contained in the report. Each final report shall be attested to by the person submitting the report that he or she has read the report prior to submitting it and under oath deposes and states that the information contained therein is true, correct and accurate to the best of his or her knowledge and belief, and that the wireless communication services company under oath deposes and states that this information is true, complete and accurate.

(b) The notification shall provide: the name of the reporting entity; the date and time of the onset of the outage; a brief description of the

problem; service effects; the geographic area affected by the outage; and the contact name and contact telephone number by which the commission's technical staff may contact the reporting entity.

(c) The initial and final reports shall contain the information required pursuant to paragraph (b) of this subdivision. The initial report shall contain all pertinent information then available on the outage and shall be submitted in good faith. The final report shall contain all pertinent information on the outage, including any information that was not contained in, or that has changed from that provided in, the initial report.

(d) The notification and the initial and final wireless communication services outage reports are to be submitted electronically to the commission. For the purposes of this paragraph, "submitted electronically" shall mean the submission of the information using commission-approved web-based outage report templates. If there are technical impediments to using the web-based system during the notification stage, then a written notification to the commission by e-mail, fax or courier may be used; such notification shall contain the information required pursuant to this section.

§ 4. The public service commission is hereby directed within one year after the effective date of this act, and annually thereafter, to conduct a study of the wireless communication services industry and its regulatory framework and to report within ninety days of the commencement of the study the results of the study to the governor, the temporary president of the senate, and the speaker of the assembly. Such report shall include recommendations for changes in the regulation of the wireless communication services industry in light of any developments in federal legislation or regulations pertaining to wireless communication services.

§ 5. Severability clause. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 6. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.