

STATE OF NEW YORK

5926

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. KAMINSKY -- 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, in relation to requiring STIR/SHAKEN authentication framework

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

1 Section 1. Subdivision 6 of section 5 of the public service law is
2 amended by adding a new paragraph c to read as follows:

3 c. Notwithstanding paragraph a of this subdivision, the commission may
4 promulgate, issue, amend and rescind such orders, rules and regulations
5 as it may find necessary or appropriate for a provider of cellular tele-
6 phone services to carry out the provisions set forth in section ninety-
7 one-b of this chapter.

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

10 § 91-b. STIR/SHAKEN authentication framework. 1. As used in this
11 section, the following terms shall have the following meanings:

12 (a) "STIR/SHAKEN authentication framework" means the secure telephone
13 identity revisited and signature-based handling of asserted information
14 using tokens standards proposed by the information and communications
15 technology industry to attach a certificate of authenticity to each
16 phone to verify the source of each call.

17 (b) "Voice service" means any service that is interconnected with the
18 public switched telephone network and that furnishes voice communi-
19 cations to an end user using resources from the North American Numbering
20 Plan or any successor to the North American Numbering Plan adopted by
21 the commission under section 251(e)(1) of the Communications Act of 1934
22 (47 U.S.C. 251(e)(1)); and includes:

23 i. transmissions from a telephone facsimile machine, computer, or
24 other device to a telephone facsimile machine; and

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

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1 ii. without limitation, any service that enables real-time, two-way
2 voice communications, including any service that requires internet
3 protocol-compatible customer premises equipment (commonly known as
4 "CPE") and permits out-bound calling, whether or not the service is
5 one-way or two-way voice over internet protocol.

6 2. Not later than eighteen months after the date upon which this act
7 shall have become a law, the commission shall require a provider of
8 voice service to implement the STIR/SHAKEN authentication framework in
9 the internet protocol networks of voice service providers.

10 3. The commission may promulgate, issue, amend and rescind such
11 orders, rules and regulations as it may find necessary or appropriate to
12 carry out the provisions of this section.

13 4. (a) All costs and expenses of the department and commission related
14 to the implementation of this section by wireless communication services
15 companies shall be paid pursuant to appropriation in the first instance
16 from the state treasury, on the certification of the chair of the
17 department and upon the audit and warrant of the comptroller. The state
18 treasury shall be reimbursed therefor by payments to be made from moneys
19 collected pursuant to this article.

20 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
21 sion, by February first of each year, the chair of the department shall
22 estimate the total direct and indirect costs and expenses necessary to
23 operate and administer the powers and duties of the commission and
24 department relating to the implementation of this section by wireless
25 communication services companies for the ensuing state fiscal year. The
26 chair shall, prior to March first, bill and collect from each wireless
27 communication services company an amount computed by multiplying such
28 total estimated operating expenses of the commission by a fraction, the
29 numerator of which is the gross annual receipts of such wireless commu-
30 nication services company during the last preceding calendar year or
31 other twelve month period as determined by the chair, and the denomina-
32 tor of which is the total annual gross receipts of all wireless communi-
33 cation services companies operating in the state during such period. A
34 wireless communication services company may elect to make partial
35 payments equal to one quarter of the total amount billed, by March tenth
36 of the preceding fiscal year to which the billing relates, or on such
37 other dates as the director of the budget may require. On or before
38 September thirtieth of each year, the chair shall compute the actual
39 direct and indirect costs and expenses of the commission relating to the
40 implementation of this section by wireless communication services compa-
41 nies for the preceding state fiscal year and shall compute the amount
42 actually received as reimbursement for the preceding state fiscal year.
43 If such amount collected by the department as reimbursement for the
44 preceding fiscal year is less than the direct and indirect costs and
45 expenses incurred by the commission and the department relating to the
46 implementation of this section by wireless communication services compa-
47 nies during such preceding fiscal year, the chair shall, on or before
48 October fifteenth of each year, bill each wireless communication
49 services company for its proportionate share of the deficit. Any amount
50 owing by any wireless communication services company shall be payable
51 not later than thirty days following the date of such bill. Any amount
52 owed by any wireless communication services company which remains unpaid
53 by May first of the following year shall be included in the estimate of
54 the total direct and indirect costs and expenses necessary to operate
55 and administer the powers and duties of the commission and the depart-
56 ment related to the implementation of this section by wireless communi-

1 cation services companies for the current state fiscal year. If the
2 amount collected for a fiscal year is more than the direct and indirect
3 costs and expenses related to the implementation of this section by
4 wireless communication services companies incurred by the commission and
5 the department during such fiscal year, the chair shall, on or before
6 October fifteenth of the following year, refund or credit each wireless
7 communication services company for its proportionate share of the
8 surplus. Any amount standing to the credit of any wireless communication
9 services company shall be applied as a credit against any succeeding
10 payment due. In no event shall the amount billed to or collected from
11 any wireless communication services company pursuant to this section
12 exceed two percent of the gross annual receipts of such company during
13 the twelve month period designated by the commission.

14 § 3. This act shall take effect immediately.