

STATE OF NEW YORK

5926--A

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 -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

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

(a) "STIR/SHAKEN authentication framework" means the secure telephone identity revisited and signature-based handling of asserted information using tokens standards proposed by the information and communications technology industry.

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

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

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1 i. transmissions from a telephone facsimile machine, computer, or
2 other device to a telephone facsimile machine; and
3 ii. without limitation, any service that enables real-time, two-way
4 voice communications, including any service that requires internet
5 protocol-compatible customer premises equipment (commonly known as
6 "CPE") and permits out-bound calling, whether or not the service is
7 one-way or two-way voice over internet protocol.

8 2. Not later than twelve months after the date upon which this act
9 shall have become a law, the commission shall require a provider of
10 voice service to implement the STIR/SHAKEN authentication framework or
11 alternative technology that provides comparable or superior capability
12 to verify and authenticate caller identification in the internet proto-
13 col networks of voice service providers.

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

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

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

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

18 § 3. This act shall take effect immediately.