STATE OF NEW YORK

5868--A

2021-2022 Regular Sessions

IN SENATE

March 19, 2021

Introduced by Sens. PARKER, BROOKS, GAUGHRAN, HARCKHAM, MANNION, MATTERA, MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to facilitating access to telephone providers to deliver fiber-based services

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

Section 1. The public service law is amended by adding a new section 104 to read as follows:

§ 104. Fiber-based services. 1. Where a telephone line, as such term is defined in subdivision eighteen of section two of this chapter, or a portion of a telephone line, has previously been placed by a telephone corporation in or on a building or other property of an owner other than the telephone corporation and remains in place in or on such building or other property, the telephone corporation may, without any additional compensation to the owner, replace or supplement the line or portion of such line with fiber optic facilities for purposes of providing any telephone, broadband, cable or other video service that the telephone corporation or its affiliate may lawfully provide, provided that the provision of such services over those facilities does not result in a significant increase in the physical size of the facilities placed at those locations.

2. If the owner would be entitled to compensation for such replacement under existing law, the owner of the property may seek such compensation under the mechanism and pursuant to the substantive and procedural rules utilized by the public service commission for resolving claims for just compensation under section two hundred twenty-eight of this chapter, but the pendency of such proceedings shall not affect the right of the tele-

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

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phone company to make the replacement or supplementation authorized by this section.

3. A landlord or property owner may require: (a) that the telephone corporation or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and (b) that the telephone corporation agrees to indemnify the landlord or property owner for any damage caused by the installation, operation or removal of such facilities.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.