

# STATE OF NEW YORK

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1712

2021-2022 Regular Sessions

## IN SENATE

January 14, 2021

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Introduced by Sens. GALLIVAN, BAILEY, KENNEDY -- 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 service quality standards for copper telephone systems

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

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

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

16 While some communities within the state are not reliant on copper  
17 telephone systems, many still are. There are communities that have  
18 access to fiber optic services but significant portions of upstate  
19 including cities and rural areas and other underserved areas do not. In  
20 many cases the regions which do not have access to fiber optic services  
21 are the same areas suffering from the worst copper service. In most of  
22 these communities, customers face a virtual broadband monopoly because,  
23 as the Staff Telecommunications Assessment reported in the summer of  
24 2015, fewer than 1% of broadband customers choose satellite as their

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

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1 provider and wireless alternatives are too costly because of data caps.  
2 Thus it is necessary to fix and keep copper telephone systems in good  
3 working condition since many communities in New York state are still  
4 reliant on them. It is the responsibility of the public service commis-  
5 sion to ensure that all telephone corporations maintain their copper  
6 telephone systems in a state of good repair so that all regions of New  
7 York state have equal access to quality functioning telecommunications  
8 services.

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

11 § 91-b. Service quality standards for copper telephone systems. 1. In  
12 accordance with subdivision one of section ninety-one and section nine-  
13 ty-eight of this article, the commission shall require all copper tele-  
14 phone systems to be maintained in a state of good repair within three  
15 years of the effective date of this section.

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

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

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

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

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

31 § 3. This act shall take effect immediately.