

# STATE OF NEW YORK

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5868--A

2021-2022 Regular Sessions

## IN SENATE

March 19, 2021

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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:

1 Section 1. The public service law is amended by adding a new section  
2 104 to read as follows:

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

16 2. If the owner would be entitled to compensation for such replacement  
17 under existing law, the owner of the property may seek such compensation  
18 under the mechanism and pursuant to the substantive and procedural rules  
19 utilized by the public service commission for resolving claims for just  
20 compensation under section two hundred twenty-eight of this chapter, but  
21 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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1 phone company to make the replacement or supplementation authorized by  
2 this section.

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

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