

STATE OF NEW YORK

4311

2025-2026 Regular Sessions

IN SENATE

February 4, 2025

Introduced by Sen. COMRIE -- 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 performance standards for telephone corporations

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

1 Section 1. Section 95 of the public service law is amended by adding a
2 new subdivision 4 to read as follows:

3 4. (a) All service providers, as defined in section one hundred four-b
4 of this article, shall file with the commission for each and every month
5 a report setting forth the compliance rate of the service provider with
6 respect to the monthly service performance standards established by the
7 commission pursuant to section one hundred four-b of this article. All
8 such reports shall be public documents and shall be posted on the
9 website operated and maintained by the commission. The information or
10 data contained in such reports shall constitute statistical or factual
11 tabulation or data and shall not be exempt from disclosure pursuant to
12 article six of the public officers law.

13 (b) All such reports shall be disaggregated by service provider; and
14 by regions and subregions, as determined by the commission, to ensure
15 that all geographic areas and customers in the state are equally meas-
16 ured and counted.

17 (c) The commission shall not be authorized to waive, reduce, relax or
18 eliminate any reporting requirements set forth in this subdivision.

19 § 2. The public service law is amended by adding a new section 104-b
20 to read as follows:

21 § 104-b. Service performance standards. 1. For the purposes of this
22 article, the terms:

23 (a) "Service performance standards" shall mean any metric or perform-
24 ance standard or threshold established by the commission as of January

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

LBD05489-01-5

1 first, two thousand ten that each service provider is expected to meet
2 relating to maintenance service, installations, network performance,
3 answer time, and any other standard that measures quality and adequacy
4 of service.

5 (b) "Service provider" shall mean a telephone corporation certified by
6 the commission pursuant to this chapter with the authority and tariff to
7 provide local exchange service in this state that is offering fixed
8 wireless telephone services in this state.

9 2. (a) The commission shall establish service performance standards
10 that shall be applicable to all service providers. Upon the establish-
11 ment or approval of any such standard, except during periods of emergen-
12 cy, catastrophe, disaster or any other extraordinary event that is
13 beyond the control of a service provider as determined by the commis-
14 sion, the commission may not waive, reduce, relax or eliminate any
15 service performance standard for any individual service provider.

16 (b) The existence of alternate or other service providers within the
17 same service area or any other factors relating to competition shall not
18 be a factor, ground or basis in any determination to establish, reduce,
19 relax or eliminate a service performance standard.

20 3. All service performance reports submitted to the commission by a
21 service provider or any other entity that provides telephone services
22 shall be prepared, filed and made available pursuant to subdivision four
23 of section ninety-five of this article.

24 4. Notwithstanding the provisions of section twenty-five of this chap-
25 ter, any service provider and the officers, agents and employees of such
26 corporation that fails or neglects to meet any one of the service
27 performance standards established by the commission shall forfeit to the
28 state of New York a sum not to exceed the greater of:

29 (a) five hundred thousand dollars constituting a civil penalty for
30 each failure or neglect to meet any one of the service performance stan-
31 dards. The failure or neglect to meet any service performance standard
32 for two consecutive reporting periods shall result in the forfeiture of
33 one million dollars for each failure or neglect; or

34 (b) three times the amount of the cost of meeting and complying with
35 the service performance standard, as determined by the commission.

36 5. (a) Notwithstanding any provision of law to the contrary, no
37 service provider may offer or provide fixed wireless telephone or commu-
38 nication systems, services or products, nor may the commission author-
39 ize, permit or approve any service provider to offer or provide such
40 systems, services or products, to any person in this state until and
41 unless the commission has determined that such service provider has met,
42 and fully complied with, each and every monthly performance standard
43 established by the commission for such service provider in each and
44 every service region or area served by the service provider for a period
45 of at least twelve months.

46 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
47 sion: (i) a service provider may replace a copper-based wireline commu-
48 nication network with a wireless system for any customer who, after
49 receiving appropriate notice and information from the service provider,
50 consents to such replacement on forms prepared or approved by the
51 commission; and (ii) the commission, in the aftermath of a weather-re-
52 lated natural event or emergency, may authorize a service provider to
53 take any actions that are otherwise prohibited by this section.

54 § 3. Severability clause. If any clause, sentence, paragraph, section
55 or part of this act shall be adjudged by any court of competent juris-
56 isdiction to be invalid, the judgment shall not affect, impair, or invali-

1 date the remainder thereof, but shall be confined in its operation to
2 the clause, sentence, paragraph, section or part thereof directly
3 involved in the controversy in which the judgment shall have been
4 rendered.
5 § 4. This act shall take effect immediately.