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John B. Rhodes, Chair

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PSC Details Failures Related to Telecommunication Companies' Preparation and Response to Tropical Storm Isaias

New Rules Needed to Require Telecommunication Companies to Develop More Robust Emergency Contingency Plans

ALBANY — The New York State Public Service Commission (Commission) today received a detailed investigative report on Tropical Storm Isaias' (TS Isaias) impact on telephone and cable television networks and services. The report evaluated the preparation and restoration efforts of the service providers in affected areas and includes input from, and consideration of, recommendations by municipal leaders, emergency response agencies and customers. The report highlighted the need for modification to existing statutes or regulations to require the filing and annual updating of more robust emergency contingency plans, similar to those required of electric utilities, in order to improve the preparedness and response to future storms and other emergencies by major telephone corporations and cable television companies.

“Based on this report, the Commission must make telecom companies more accountable for storm preparation and recovery,” **said Commission Chair John B. Rhodes.** “Major telephone and cable companies will need to file more robust emergency contingency plans for storms and other disruptive events, and cable companies will have to issue credits for outages when services are not available to the customer.”

On August 4, 2020, Tropical Storm Isaias struck New York, bringing strong winds and heavy rain that particularly impacted the Mid-Hudson Valley, New York City, and Long Island regions. The Storm caused extensive damage to electric distribution and telecommunication infrastructures that, in turn, led to lengthy outages for a substantial number of New York utility customers. The next day, Governor Andrew M. Cuomo directed the Department to investigate New York State's major electric utilities, telephone corporations and cable television companies following their slow and inadequate response to the storm.

Staff's investigation indicates that these disparities contributed to inconsistent storm preparation and response among telecommunications providers. The report also provides background and evidentiary support for other actions being taken by the Commission regarding potential enforcement actions against Altice USA and Frontier Communications.

The investigation found that Altice had apparently failed to adhere to many significant aspects of its Response Plan and associated Severe Weather Preparedness Plan. Therefore, the Department issued a Notice of Apparent Violation on August 19, 2020, which highlighted areas where apparent violations

contributed to Altice's inability to timely restore service and effectively communicate to customers experiencing outages. The apparent violations involved failure to make sufficient readiness plans and post-storm restoration, poor customer service and communications, and inadequate communication and coordination with government officials and electric utilities. The notice also demanded that Altice immediately implement remedial action items to immediately improve service restoration policies and operations and prevent any delayed restoration from potential storms.

The Department's investigation also found Frontier Communications, Inc. in apparent violation of Commission regulations for its failure to provide continuous operation of its service during a loss of commercial power, specifically one of its central offices, which provides critical 911 services in Orange County, and several instances of failure to timely and accurately notify the Department of several major outages following the storm. The apparent violations by Altice and Frontier are the subject of potential enforcement actions pursuant to PSL Section 25 which are being pursued by the Department's Office of Investigations and Enforcement.

Lastly, to address concerns raised by customers and elected officials in areas most affected by TS Isaias, including United Westchester, and to improve the preparedness and response to future storms and other emergencies by major telephone corporations and cable television companies operating in the State, the Commission will consider future changes to applicable regulations that would require the filing and annual updating of more robust emergency contingency plans, similar to those required of electric utilities, and also establish a more uniform policy for credits when telephone and cable television service is not available to customers following outages caused by storms and power outages.

These new regulations will hold telephone and cable television companies more accountable for their respective storm preparedness, staffing for efficient restoration, adequate communication and coordination with emergency agencies and municipalities, issuance of credits for storm outages, and make violations of these provisions more enforceable and subject to penalty action.

Today's report may be obtained by going to the Commission Documents section of the Commission's Web site at www.dps.ny.gov and entering Case Number 21-M-0042 in the input box labeled "Search for Case/Matter Number." Many libraries offer free Internet access. Commission documents may also be obtained from the Commission's Files Office, 14th floor, Three Empire State Plaza, Albany, NY 12223 (518-474-2500). If you have difficulty understanding English, please call us at 1-800-342-3377 for free language assistance services regarding this press release.