

STATE OF NEW YORK

# Public Service Commission

William M. Flynn, Chairman

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FOR RELEASE: IMMEDIATELY

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## **PSC Seeks Comment on Proposed Rules Changes Related to Cable Television Service**

Albany, NY – 4/1/03 – The New York State Public Service Commission has scheduled five educational forums around the state to receive comments on proposed changes to rules regarding cable television service. The proposed revisions would maintain important consumer protections while streamlining and reducing some regulatory requirements for cable television companies in a more competitive environment. The proposed changes result from a multi-year collaborative process that included six consumer roundtables held across the state, and the involvement of state agencies, municipal organizations, local governments, consumer representatives and the cable television industry.

The forums at which members of the public can learn about and comment on the proposed changes to the Commission's rules are scheduled as follows:

**Monday, April 7**  
**Broome County Library**  
**185 Court Street**  
**Binghamton, NY**  
**6:00 PM – 8:00 PM**

**Wednesday, April 9**  
**Dulles State Office Building**  
**Watertown, NY**  
**3:00 PM – 5:00 PM**

**Tuesday, April 8**  
**Bethlehem Public Library**  
**451 Delaware Avenue**  
**Delmar, NY**  
**6:00 PM – 8:00 PM**

**Monday, April 14**  
**Rochester City Hall**  
**30 Church Street, Room 228B**  
**Rochester, NY**  
**4:00 PM – 6:00 PM**

**Tuesday, April 15**  
**Brooklyn Heights Public Library**  
**280 Cadman Plaza West**  
**Brooklyn, NY**  
**4:00 PM – 6:00 PM**

### **Highlights of the Proposed Changes in Rules Regarding Cable Television Service**

The proposed rules changes will have no impact on current consumer protections regarding late charges, collection charges, reconnection charges, downgrade charges, billing disputes, and disconnection of service. Moreover, existing rules will be maintained that require cable companies to provide subscribers notice of changes in rates, programming services and channel positions, as well as notice of company billing practices, complaint procedures, installation, use and maintenance of cable service, lost, stolen or damaged cable equipment, disconnection of service and removal of home wiring. No changes are being proposed to the Commission's customer service standards governing a company's response times to telephone calls and its fulfillment of appointments for installing service and making service repairs.

Among the changes being proposed are the following.

#### **Franchise Agreements and Renewals:**

- Cable companies and municipalities would have the option of entering into franchise agreements for up to 15 years, rather than the current 10 years, which would provide flexibility for a longer or shorter franchise term depending on the local circumstances.
- A mediation procedure would be available for franchise renewals. No mediation procedure is available in the current rules.
- A cable company and a municipality would be permitted to agree to a minimum of a single-shared public, educational and governmental access channel rather than the two channels now required. This proposed change is designed to provide additional flexibility in negotiations by permitting municipalities to determine local needs.

#### **Reporting and Notice Requirements:**

- Reporting requirements to the Commission and notice requirements to subscribers would be reduced in frequency. For example, reports of company performance and service, such as telephone response times and fulfillment of installation appointments and service repair appointments, would be reported annually to the Commission rather than quarterly. Under the proposed regulations, written notice to subscribers about service tiers, services, products and rates would be sent annually rather than twice a year, but must continue to be provided on an individual basis anytime upon request of a subscriber.
- The proposed rules would allow more flexibility in that if a company meets or exceeds performance and service standards, it may be relieved of performance and service reporting requirements upon approval from the Commission. Conversely, reporting requirements may be increased if a cable company does not satisfy performance and service standards.
- Reporting requirements in a franchise agreement may be satisfied with system-wide statistics, except for reporting requirements relating to franchise fees or customer complaints for which more location specific information is deemed necessary.

**Credit for Outages:**

- The current rules provide for an automatic credit for 24 hours of service whenever a service outage exceeds four (4) continuous hours, part of which occurs between 6:00PM and midnight. The new provision would require an automatic credit for a service outage of 24 continuous hours.
- For a service outage of over four (4) continuous hours, but less than 24 hours, a pro-rata credit would be given to any eligible subscriber who requests a credit either by phone or in writing, within 90 days of the outage.

**Promotional Practices:**

- The proposed rules regarding “negative option” promotional practices, designed to protect consumer interests, provide that a cable television company may bill only for services affirmatively requested by a subscriber. A cable company would be required to keep records of oral requests. A subscriber would be deemed to have affirmatively requested a service if the subscriber voluntarily pays for the service after an initial trial period, and if a clear statement that there is no obligation to pay for the service was included in the notice or advertising material for the service.

**The Forums**

Each forum will remain open for at least one hour. It is not necessary to make an appointment in advance or to present written material in order to speak. All comments, oral and written, will be useful to the Commission’s staff.

TDD users may request that a sign language interpreter be present. To make a request, please call the Department of Public Service’s Human Resources Management office at (518) 474-2520 through the New York Relay Service at 1-800-662-1220 or have a representative call collect directly to the office. Disabled persons who require special accommodations other than a sign language interpreter may place a collect call to the Department of Public Service’s Human Resources Management office at (518) 474-2520. All requests should be made as soon as possible.

**Other Ways To Share Views**

Persons not wishing to speak at the educational forums, or who are unable to attend the forums, may comment on the proposal (in English or Spanish) by mailing their written statements to Janet Hand Deixler, Secretary, New York State Public Service Commission, Three Empire State Plaza, Albany, New York 12223. These letters should reference the “Proposed Changes to Rules and Regulations Regarding Cable Television” (Case 01-V-0381).

Other alternatives for submitting comments for consideration include:

**Toll-free Opinion Line:** Interested persons may call a special toll-free Opinion Line at 1-800-335-2120. This phone line is set up to receive comments about the proposed cable television rules changes from in-state callers, 24 hours a day. Callers should press the number two (#2) on their telephone keypad for “Telecommunications and Cable Issues” to leave comments on the cable television rules changes proposal.

**The Internet:** Comments may be submitted via the "PSC Comment Form" in the "Consumer Assistance" file accessed through the homepage of the Commission's Website. Many libraries offer free Internet access. The Website address is <http://www.dps.state.ny.us> and comments are downloaded regularly.

Copies of the proposed cable television rules changes are available for public examination at the Public Service Commission's File Room, 14<sup>th</sup> Floor, Three Empire State Plaza, Albany, and in its 8<sup>th</sup> Floor File Room, One Penn Plaza, Manhattan, New York. Visitors making a request to view the proposals at either File Room should cite Case 01-V-0381. A copy of the proposed rules changes can also be viewed on the Commission's Website at <http://www.dps.state.ny.us/fileroom/doc12870.pdf> . A summary of the proposed changes can be viewed at <http://www.AskPSC.com> .

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