



# Public Service Commission

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Rory M. Christian, Chair

**Contact:**

James Denn | [James.Denn@dps.ny.gov](mailto:James.Denn@dps.ny.gov) | (518) 474-7080

<http://www.dps.ny.gov>

<http://twitter.com/NYSDPS>

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## **PSC Enhances Protections for Telephone and Cable Customers**

### **Regulatory Improvements Stem from Customer Outages After Isaias in 2020**

#### **Telecommunication Customers Eligible for Reimbursement in the Event of Prolonged Communication & Cable Outages**

**ALBANY** — The New York State Public Service Commission (Commission) today announced that major telephone and cable companies are now required to implement enhanced emergency contingency plans to protect and safeguard their operations in the event of a severe storm. In addition, the newly adopted regulations require customer credits when telephone and cable service is not available to customers following an outage caused by storms and power outages.

“Telephone and cable companies are often our front line of communication during storm and power outages.” **Commission Chair Rory M. Christian said.** “New York State’s emergency contingency plans will play a crucial part in our emergency response efforts and today’s decision will hold more companies accountable.”

Under the new rules adopted by the Commission, when a service outage affecting 100 or more subscribers exists due to a particular service interruption cause, the service provider shall issue a credit allowance to residential customers and certain commercial customers as follows:

- If a service interruption continues for 24 hours or more, 1/30th of the monthly rate for all services and facilities furnished and billed by the service provider that are rendered useless or substantially impaired for each 24 hours (or a portion thereof);
- If a service interruption is for less than 24 hours, and if credit is requested by the subscriber on the grounds that service for the day was substantially impaired by such interruption or interruptions, then, a credit allowance will be issued for that day at 1/30th of the monthly rate; and
- If the service provider reasonably determines that the interruption was in part caused by the loss of commercial power to the service provider’s network, the credit allowance period will begin 24 hours after commercial power is restored.

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. That 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.

In response to the storm, the Department of Public Service (Department) investigated New York State's major electric utilities, telephone corporations and cable television companies following their slow and inadequate response to the storm resulting in new rules.

The Department's 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.

For the purposes of this regulatory change, a major telephone company is defined as any incumbent local exchange company or any facilities-based telephone company with over 500,000 access lines, or a certificated 911 service provider. A major cable company is defined as a company with 1,000 or more cable television subscribers.

There are 39 telephone companies subject to these regulation changes including: affiliates of Verizon New York Inc., Windstream New York Inc., Frontier Communications, Consolidated Communications, TDS Telecom; 22 other small telephone companies, and Time Warner Cable Information Services (New York), LLC, a competitive local exchange carrier.

There are 15 cable companies subject to these regulation changes including: Adams CATV, Inc.; Atlantic Broadband (Penn), LLC; Altice; Catskill Mountain Cablevision, Inc.; Charter Communications; Comcast of New York, LLC; DTC Cable Inc. d/b/a Delhi Long Distance; Empire Video Services Corporation; Haefele TV, Inc.; Han Cel, Inc.; Heart of the Catskills Communications, Inc. dba MTC Cable; Mid-Hudson Cablevision, Inc.; Midtel Cable TV, Inc.; SLIC Network Solutions, Inc.; and, Verizon New York, Inc.

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.

The enhanced emergency contingency plans will ensure that detailed plans and pre-storm actions are taken by certain telephone and cable television companies, including conducting storm drills and testing of critical equipment, and places an emphasis on enhanced communications with electric utilities and government emergency response agencies operating within a territory impacted by a storm or other emergency affecting event.

The amendments will also help maintain, to the extent practicable and reasonable, continuous operation of service in the event of a commercial power outage or other emergency event, and to effectuate the timely restoration of service to customers.

These new regulations will hold certain telephone and cable television companies more accountable for their respective storm preparedness.

Today's decision may be obtained by going to the Commission Documents section of the Commission's Web site at [www.dps.ny.gov](http://www.dps.ny.gov) and entering Case Number 22-M-0180 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.