

**Regulatory Agenda of the
Department of Information Technology and Telecommunications (DoITT)
For Fiscal Year 2017 (July 1, 2016 to June 30, 2017)
Published Pursuant to Section 1042 of the City Charter**

DoITT expects to proposed and adopt rules described below during fiscal year 2017. DoITT's legal authority to promulgate these rules comes from sections 389(b), 1043(a) and 1072 of the City Charter. An agency official knowledgeable about these rules is Stanley Shor, Assistant Commissioner for Franchise Administration, 2 MetroTech Center, 4th Floor, Brooklyn, New York 718-403-8024.

1. *Penalty schedule.* Existing rules provide for civil penalties up to \$25,000 for violations of rules governing microtrenching. DoITT expects to propose and adopt rules establishing more specific civil penalties.

2. *Clarifications of existing rules.* DoITT expects to propose and adopt rules to clarify existing rules in three respects. These changes are not intended to make any substantive changes.

- An existing rule provides for fees for public pay telephone permits, and a separate rule provides that those fees are not refundable. DoITT expects to consolidate these two rules to enhance readability of the rules.
- An existing rule provides that a public pay telephone may not be located within specified distances of various types of street furniture and other street-scape elements. DoITT expects to propose and adopt a rule clarifying that a public pay telephone that is properly located when it is installed does not have to be removed if an item of street furniture or other street-scape element is installed within the specified distance after the public pay telephone is installed.
- Section 23-408(a) of the Administrative Code provides that a person who installs a public pay telephone on the inalienable property of the City is guilty of a misdemeanor and is subject to criminal penalties of a fine up to \$10,000 and imprisonment up to 30 days. That provision is duplicated by an existing rule. DoITT expects to repeal that rule, eliminating criminal penalties from DoITT's rules and limiting DoITT's rules to civil penalties.

3. *Locations of public communications structures.* DoITT expects to propose and adopt a rules specifying that any new public communications structure location must be at least 170

feet from any existing public communications structure. This will bring DoITT's rules into alignment with the land use conditions set forth by the Department of City Planning.

The individuals and entities likely to be subject to these rules are telecommunications service providers that hold franchises from DoITT for placement of equipment in or under the City's streets and sidewalks. These rules would not duplicate or conflict with any federal, state or local law or rule. These rules would overlap with rules of the Department of Transportation, regulating franchisee's construction work in the City's streets and sidewalks.

DoITT estimates that it will propose these rules during the second quarter of the fiscal year 2017.