

**Regulatory Agenda of the
Department of Information Technology and Telecommunications (DoITT)
For Fiscal Year 2018 (July 1, 2017 to June 30, 2018)
Published Pursuant to Section 1042 of the City Charter**

DoITT expects to proposed and adopt rules described below during fiscal year 2018. 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.
- 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.
- An existing rule requires that pay telephones may not be located within 15 feet of a sidewalk café. DoITT expects to amend this rule to clarify that an approved pay telephone does not violate this provision if the sidewalk café is opened subsequent to the installation of the pay telephone.

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 that 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 2018.