

[First Reprint]

ASSEMBLY, No. 229

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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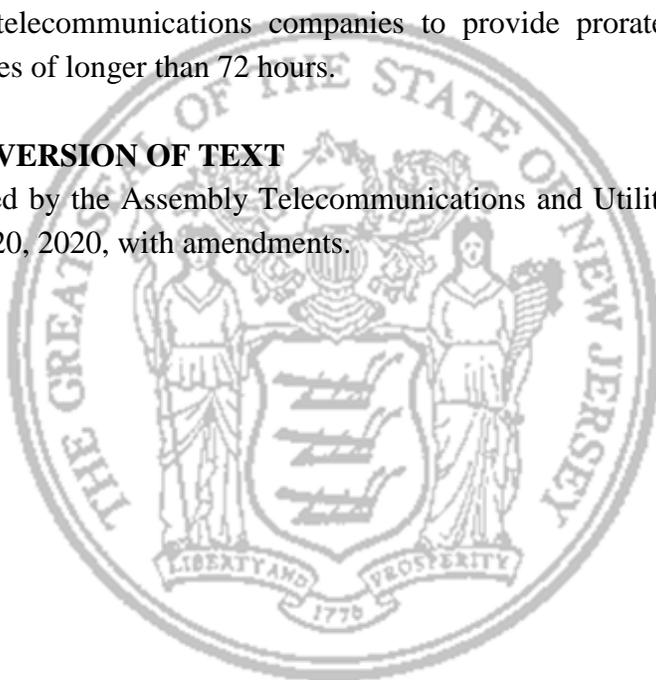
**Assemblywomen Murphy, Timberlake, Assemblymen Holley, Benson,
Assemblywoman Jasey, Assemblymen Mejia, Houghtaling,
Assemblywomen Downey and McKnight**

SYNOPSIS

Requires telecommunications companies to provide prorated refunds for service outages of longer than 72 hours.

CURRENT VERSION OF TEXT

As reported by the Assembly Telecommunications and Utilities Committee on February 20, 2020, with amendments.



(Sponsorship Updated As Of: 10/29/2020)

1 AN ACT concerning refunds for telecommunications service
2 interruptions and amending P.L.1991, c.428 and P.L.2007, c.195.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 4 of P.L.1991, c.428 (C.48:2-21.19) is amended to read
8 as follows:

9 4. a. Notwithstanding the provisions of R.S.48:2-18, R.S.48:2-21,
10 section 31 of P.L.1962, c.198 (C.48:2-21.2), R.S.48:3-1, or any other
11 law to the contrary, the board shall not regulate, fix ¹,¹ or prescribe the
12 rates, tolls, charges, rate structures, terms and conditions of service,
13 rate base, rate of return, and cost of service, of competitive services.
14 The board may require the local exchange telecommunications
15 company or interexchange telecommunications carrier to file and
16 maintain tariffs for competitive telecommunications services.

17 b. The board is authorized to determine, after notice and hearing,
18 whether a telecommunications service is a competitive service. In
19 making such a determination, the board shall develop standards of
20 competitive service which, at a minimum, shall include evidence of
21 ease of market entry; presence of other competitors; and the
22 availability of like or substitute services in the relevant geographic
23 area.

24 c. The board may determine, by rule, order, or in accordance with
25 the provisions of a plan filed pursuant to subsection a. of section 3 of
26 ¹**[this act]** P.L.1991, c.428 (C.48:2-21.18)¹, what reports are
27 necessary to monitor the competitiveness of any telecommunications
28 service.

29 d. The board shall have the authority to reclassify any
30 telecommunications service that it has previously found to be
31 competitive if, after notice and hearing, it determines that sufficient
32 competition is no longer present, upon application of the criteria set
33 forth in subsection b. of this section. Upon such a reclassification, ¹the
34 provisions of¹ subsection a. of this section shall no longer apply and
35 the board may determine such rates for that telecommunications
36 service which it finds to be just and reasonable. The board, however,
37 shall continue to monitor the telecommunications service and,
38 whenever the board shall find that the telecommunications service has
39 again become sufficiently competitive pursuant to subsection b. of this
40 section, the board shall again apply the provisions of subsection a. of
41 this section.

42 e. Notwithstanding the provisions of subsection a. of this section,
43 the following safeguards shall apply to the offering of any competitive
44 service by a local exchange telecommunications company:

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATU committee amendments adopted February 20, 2020.

1 (1) the local exchange telecommunications company shall
2 unbundle each noncompetitive service which is incorporated in the
3 competitive service and shall make all such noncompetitive services
4 separately available to any customer under tariffed terms and
5 conditions, including price, that are identical to those used by the local
6 exchange telecommunications company in providing its competitive
7 service;

8 (2) the rate which a local exchange telecommunications company
9 charges for a competitive service shall exceed the rates charged to
10 others for any noncompetitive services used by the local exchange
11 telecommunications company to provide the competitive service;

12 (3) tariffs for competitive services filed with the board shall either
13 be in the public records, or, if the board determines that the rates are
14 proprietary, shall be filed under seal and made available under the
15 terms of an appropriate protective agreement, such as those used in
16 cases before the board; **[and]**

17 (4) nothing in ¹**[this act]** P.L.1991, c.428 (C.48:2-21.16 et seq.)¹
18 shall limit the authority of the board, pursuant to R.S.48:3-1, to ensure
19 that local exchange telecommunications companies do not make or
20 impose unjust preferences, discriminations, or classifications for
21 noncompetitive services; and

22 (5) the local exchange telecommunications company shall, on a
23 prorated basis, adjust a customer's bill, or provide a ¹**[refund]** credit¹
24 to a customer, who has experienced a service interruption for a period
25 of more than ¹**[24]** 72¹ hours. The local exchange
26 telecommunications company shall not require the customer to take
27 any action in order to receive a bill adjustment or ¹**[refund]** credit¹
28 under this section.

29 f. The board shall require a public utility, as defined in R.S.48:2-
30 13, that provides telephone service and is subject to regulation by the
31 board, on a prorated basis, to adjust a customer's bill, or provide a
32 ¹**[refund]** credit¹ to a customer, who has experienced a service
33 interruption for a period of more than ¹**[24]** 72¹ hours. The telephone
34 public utility shall not require the customer to take any action in order
35 to receive a bill adjustment or ¹**[refund]** credit¹ under this section.

36 (cf: P.L.2017, c.77, s.1)

37

38 2. Section 4 of P.L.2007, c.195 (C.48:17-35) is amended to read
39 as follows:

40 4. a. Except as otherwise provided in ¹**[this act]** P.L.2007, c.195
41 (C.48:17-32 et seq.)¹, notwithstanding any other provision of law, rule,
42 regulation ¹₂¹ or order to the contrary, neither the State, nor any
43 department, agency, board ¹₂¹ or commission thereof, nor any political
44 subdivision of the State shall enact, adopt ¹₂¹ or enforce any law,
45 ordinance, resolution, rule, regulation, order, standard ¹₂¹ or other
46 provision, either directly or indirectly, having the force and effect of

1 law that regulates, or has the effect of regulating, the rates, terms ¹,¹
2 and conditions of VoIP service or IP-enabled service offered to
3 customers.

4 b. Notwithstanding the provisions of subsection a. of this section,
5 or any other law, rule, order, or regulation, the Board of Public
6 Utilities shall require a company that provides a VoIP service or IP-
7 enabled service, on a prorated basis, to adjust a customer's bill, or
8 provide a ¹**[refund]** credit¹ to a customer, who has experienced a
9 service interruption for a period of more than ¹**[24]** 72¹ hours. The
10 company shall not require the customer to take any action in order to
11 receive a bill adjustment or ¹**[refund]** credit¹ under this section.

12 (cf: P.L.2007, c.195, s.4)

13

14 3. This act shall take effect immediately.