

ASSEMBLY, No. 2584

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)

SYNOPSIS

Requires certain CATV companies to provide Internet service at public libraries with business customer class Internet access bandwidth and circuit capacity proportional to public libraries' needs.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning Internet service to public libraries and
2 amending P.L.1972, c.186.

3

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

6

7 1. Section 28 of P.L.1972, c.186 (C.48:5A-28) is amended to
8 read as follows:

9 28. Each application for a municipal consent or system-wide
10 franchise shall contain:

11 a. A description of the initial area to be served **[.]**;

12 b. A description of the proposed service in terms of the number
13 of channels of cable television reception service **[.]**;

14 c. Sufficient evidence that the applicant has the financial and
15 technical capacity **[and]**, the legal **[,]** character, and other
16 qualifications to construct, maintain, and operate the necessary
17 installations, lines, and equipment **[and]** to provide the service
18 proposed in a safe, adequate, and proper manner **[.]**;

19 d. Evidence of sufficient bond, or commitment therefor, with
20 sureties to be approved by the office, in the penal sum of not less
21 than \$25,000 for the faithful performance of all undertakings by the
22 applicant as represented in the application **[;]**, the sufficiency of
23 which shall be subject to review by the director and approval by the
24 board **[.]**;

25 e. An undertaking to hold the board and all municipalities
26 served harmless from any liability arising out of the applicant's
27 operation and construction of its CATV system **[.]**;

28 f. Evidence of sufficient insurance insuring the board, all
29 municipalities served, and the applicant with respect to all liability
30 for any death, personal injury, property damage, or other liability
31 arising out of the applicant's construction and operation of its
32 CATV system **[;]**, the sufficiency of which shall be subject to
33 review by the director and approval by the board. **[Such]** This
34 insurance shall be no less than: (1) \$150,000 for bodily injury or
35 death to any one person, within the limit, however, of \$500,000 for
36 bodily injury or death resulting from any one accident **[.]**; (2)
37 \$100,000 for property damage resulting from any one accident **[.]**;
38 and (3) \$50,000 for all other types of liability **[;]**, the sufficiency of
39 which shall be subject to review by the director and approval by the
40 board **[.]**;

41 g. A schedule of proposed rates for cable television reception
42 service, which **[rates]** shall not be altered during the term for which
43 the municipal consent is issued, except by application to the board
44 for amendment of the terms and conditions of **[said]** the consent

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.

1 after public hearing, subject to the rules of the office, review by the
2 director, and approval by the board, or amendment pursuant to the
3 provisions of subsection b. of section 11 of P.L.1972,
4 c.186 (C.48:5A-11) **【.】**;

5 h. (1) With regard only to applications for a system-wide
6 franchise, a commitment **【as】** to those municipalities that are
7 served by a CATV company at the time of the application, to match
8 or surpass any line extension policy operative at the time the
9 system-wide franchise is granted and placed into effect prior to the
10 enactment of P.L.2006, c.83 (C.48:5A-25.1 et al.) by a local
11 franchise or certificate of approval, for the duration of the system-
12 wide franchise. In any event, the CATV company shall extend its
13 plant along public rights-of-way to all residences and businesses
14 within 150 aerial feet of the CATV company's existing plant at no
15 cost beyond the normal installation rate, and to all residences and
16 businesses within 100 underground feet of the CATV company's
17 plant at no cost beyond the normal installation rate, and shall set a
18 minimum house per mile density of not less than 35 homes per
19 square mile.

20 (2) This commitment shall be in addition to any and all board
21 orders and rules that impact upon the extension of plant, except that
22 **【such】** the commitment shall supersede the board's regulations
23 adopted as N.J.A.C. 14:3-8.1 et seq., which shall not apply to
24 CATV companies, including telecommunications service providers,
25 that have obtained a system-wide franchise **【.】**;

26 i. With regard only to applications for a system-wide
27 franchise, a commitment to provide to each municipality that is
28 served by a CATV company, with two public, educational, and
29 governmental access channels. In the event that two or more access
30 channels are requested by a municipality, the municipality shall
31 demonstrate that its cable-related needs require the provision of
32 such additional access channels. Any and all CATV companies
33 operating in a municipality shall provide interconnection to all other
34 CATV companies on reasonable terms and conditions, and the
35 board shall adopt regulations for procedures by which disputes
36 between **【such】** CATV companies shall be determined and
37 expeditiously resolved. Each municipality or its non-profit
38 designee shall assume responsibility for the management,
39 operations and programming of the public, educational, and
40 governmental access channels **【.】**;

41 j. With regard only to applications for a system-wide
42 franchise, a commitment to install and retain or provide, without
43 charge, one service outlet activated for basic service to any and all
44 fire stations, public schools, police stations, public libraries, and
45 other **【such】** buildings used for municipal purposes **【.】**;

46 k. With regard only to applications for a system-wide
47 franchise, a commitment to provide free Internet service, without

1 charge, through one service outlet activated for basic service to any
2 and all fire stations, public schools, police stations, public libraries,
3 and other **such** buildings used for municipal purposes. The free
4 Internet service provided to a public library shall have a business
5 customer class Internet access bandwidth and circuit capacity
6 proportional to the public library's needs;

7 l. With regard only to applications for a system-wide
8 franchise, a commitment to provide equipment and training for
9 access users, without charge, on a schedule to be agreed upon
10 between the municipality and the CATV company **l.**;

11 m. With regard only to applications for a system-wide
12 franchise, a commitment to provide a return feed from any one
13 location in the municipality, without charge, to the CATV
14 company's headend or other location of interconnection to the cable
15 television system for public, educational, or governmental use,
16 which return feed, at a minimum, provides the ability for the
17 municipality to cablecast live or taped access programming, in real
18 time, as may be applicable, to the CATV company's customers in
19 the municipality. No CATV company is responsible for providing a
20 return access feed unless a municipality requests such a feed in
21 writing. A CATV company that has interconnected with another
22 CATV company may require the second CATV company to pay for
23 half of the CATV company's absorbed costs for extension **l.**; and

24 n. With regard only to applications for a system-wide
25 franchise, a commitment to meet any consumer protection
26 requirements applicable, pursuant to board regulations, to cable
27 television companies operating under certificates of approval.
28 (cf: P.L.2006, c.83, s.23)

29
30 2. This act shall take effect immediately.

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33 STATEMENT

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35 This bill amends existing law to require cable television
36 companies having a system-wide franchise to install free Internet
37 access at public libraries within its franchise area that has a business
38 customer class Internet access bandwidth and circuit capacity
39 proportional to the public libraries' needs.