

ASSEMBLY, No. 4217

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 8, 2020

Sponsored by:

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Assemblyman Conaway

SYNOPSIS

Directs BPU to prohibit Internet service providers from installing broadband telecommunications infrastructure on certain poles or underground facilities unless Internet service providers adhere to principle of “net neutrality.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/8/2020)

1 **AN ACT** concerning Internet service providers and supplementing
2 Title 48 of the Revised Statutes.

3

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

6

7 1. As used in this act:

8 “Broadband telecommunications infrastructure” shall have the
9 same meaning as provided in section 1 of P.L.2007, c.191
10 (C.40:9D-1).

11 “Internet service provider” shall have the same meaning as
12 provided in section 3 of P.L.2007, c.272 (C.56:8-170), including a
13 governing body of a local unit that provides Internet service
14 pursuant to P.L.2007, c.191 (C.40:9D-1 et seq.).

15 “Paid prioritization” means the management of an Internet
16 service provider’s network to directly or indirectly favor some data
17 traffic over other data traffic, including through use of techniques
18 such as data traffic shaping, prioritization, resource reservation, or
19 other forms of preferential data traffic management, either in
20 exchange for consideration from a third party or to benefit an
21 affiliated entity.

22 “Underground facility” means any public or private personal
23 property which is buried, placed below ground, or submerged on a
24 right-of-way, easement, public street, other public place or private
25 property and used for telephone, cable television, or broadband
26 Internet service.

27

28 2. Notwithstanding any law, rule, regulation, or order to the
29 contrary, and consistent with federal law, the Board of Public
30 Utilities shall prohibit an Internet service provider from installing
31 broadband telecommunications infrastructure on any pole or post
32 located on or over any highway or any right-of-way, or on any
33 underground facility, belonging to a public utility or cable
34 television company, unless the Internet service provider:

35 a. publicly discloses to customers located in this State accurate
36 information regarding the network management practices and
37 performance, and commercial terms of its Internet service;

38 b. does not engage in paid prioritization; and

39 c. permits customers located in this State to:

40 (1) access all lawful Internet content, applications, and services,
41 and to use non-harmful Internet-enabled devices, without
42 discrimination, subject to reasonable network management; and

43 (2) access all lawful Internet content, applications, and services,
44 and to use non-harmful Internet-enabled devices, without the
45 impairment or degradation of Internet access speeds, subject to
46 reasonable network management.

47

48 3. This act shall take effect immediately.

STATEMENT

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3 This bill directs the Board of Public Utilities to prohibit an
4 Internet service provider (ISP) from installing broadband
5 telecommunications infrastructure on any pole or post located on or
6 over any highway or any right-of-way, or on any underground
7 facility, belonging to a public utility or cable television company,
8 unless the ISP: 1) publicly discloses to customers located in this
9 State accurate information regarding the network management
10 practices and performance, and commercial terms of its Internet
11 service; 2) does not engage in paid prioritization; and 3) permits
12 customers located in this State to access all lawful Internet content,
13 applications, and services, and to use non-harmful Internet-enabled
14 devices, without discrimination and without the impairment or
15 degradation of Internet access speeds, subject to reasonable network
16 management.
17 This bill defines “paid prioritization” as the management of an
18 ISP’s network to directly or indirectly favor some data traffic over
19 other data traffic, including through use of techniques such as data
20 traffic shaping, prioritization, resource reservation, or other forms
21 of preferential data traffic management, either in exchange for
22 consideration from a third party or to benefit an affiliated entity.