SENATE, No. 1414

STATE OF NEW JERSEY

219th LEGISLATURE

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Sponsored by:
Senator STEVEN V. OROHO
District 24 (Morris, Sussex and Warren)

SYNOPSIS

Directs BPU to allow broadband telecommunications service providers to use poles belonging to public utilities or CATV companies in certain instances.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning certain broadband telecommunications service providers and supplementing Title 48 of the Revised Statutes.

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

1. As used in of P.L. , c. (C.) (pending before the Legislature as this bill):

"Bit" means the smallest unit of computerized binary data.

"Board" means the Board of Public Utilities or any successor agency.

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

"Broadband telecommunications service" means any telecommunications service using broadband telecommunications infrastructure for the purpose of offering high speed, switched, broadband wireline or wireless telecommunications capability that enables users to send and receive high-quality voice, data, graphics, or video telecommunications through the Internet and using any technology and with data transfer speeds of at least 25 megabits per second download and at least three megabits per second upload.

"Broadband telecommunications service provider" means a person, company, corporation, unincorporated association, partnership, or professional corporation which is certified by the board to offer broadband telecommunications service directly to the public, or to classes of users as to be effectively available directly to the public, regardless of the facilities used.

"Cable television company" or CATV company shall have the same meaning as provided in section 3 of P.L.1972, c.186 (C.48:5A-3).

"Megabit per second" means a computerized binary data transfer capacity over a computer network equal to one million bits per second.

"Public utility" shall have the same meaning as provided in R.S.48:2-13 and shall include a county or municipally-owned utility or a rural electric cooperative.

2. a. Notwithstanding any law, rule, regulation, or order to the contrary, the board shall permit a broadband telecommunications service provider to install broadband telecommunications infrastructure on any pole or post located on or over any highway or any right-of-way, belonging to a public utility or CATV company, and shall prescribe reasonable compensation, as determined upon the board's review of industry standards, and reasonable terms and conditions for the joint use of the pole or post, provided that the joint use shall not result in injury to the owner or other users of the

pole or post, right-of-way, or any substantial detriment to the owner's or other users' services.

b. A broadband telecommunications service provider using a public utility or CATV company pole or post, pursuant to subsection a. of this section, shall be liable to the owner or other users of the pole or post for damage to the property of the pole or post's owner or other users that may result from the installation of the broadband telecommunications infrastructure.

3. This act shall take effect on the 60th day after the date of enactment.

STATEMENT

This bill directs the Board of Public Utilities (BPU) to allow service providers deploying infrastructure providing for broadband telecommunications service with a data transfer speed of at least one gigabit per second to use any pole or post, on or over any highway or any right-of-way, belonging to a public utility or cable television company, for the installation of that infrastructure. The BPU is to prescribe reasonable compensation, as determined upon its review of industry standards, and reasonable terms and conditions for the joint use of the pole or post, provided that the joint use will not result in injury to the owner or other users of the pole or post, right-of-way, or any substantial detriment to the owner's or other users' services. The broadband telecommunications service provider to which the use is permitted is to be liable to the owner or other users of the pole or post for damage to the pole or post owner's or other users' property that may result from the installation of the broadband telecommunications infrastructure.

The bill defines "broadband telecommunications service" as any telecommunications service using broadband telecommunications infrastructure for the purpose of offering high speed, switched, broadband wireline or wireless telecommunications capability that enables users to send and receive high-quality voice, data, graphics, or video telecommunications through the Internet and using any technology and with data transfer speeds of at least 25 megabits per second download and at least three megabits per second upload. Further, the bill defines "broadband telecommunications service provider" as a person, company, corporation, unincorporated association, partnership, or professional corporation, which is certified by the BPU, offering broadband telecommunications service directly to the public, or to classes of users as to be effectively available directly to the public, regardless of the facilities used.