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STATE OF NEW JERSEY

216th LEGISLATURE

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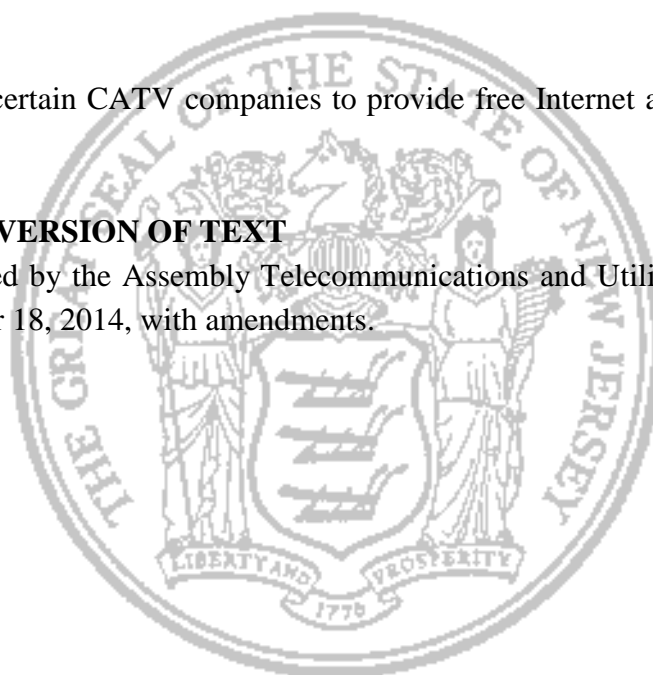
Assemblyman Coughlin and Assemblywoman Jasey

SYNOPSIS

Requires certain CATV companies to provide free Internet access to public libraries.

CURRENT VERSION OF TEXT

As reported by the Assembly Telecommunications and Utilities Committee on September 18, 2014, with amendments.



(Sponsorship Updated As Of: 3/10/2015)

1 AN ACT concerning Internet access in public libraries and
 2 ¹**【supplementing P.L.1972, c.186 (C.48:5A-1 et seq.)】** amending
 3 P.L.1972, c.186¹.
 4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 6 *of New Jersey:*
 7

8 ¹**【1. This act shall be known and may be cited as the "Public**
 9 **Library Internet Access Act."】**¹
 10

11 ¹**【2. The Legislature finds and declares that:**

12 a. Access to the Internet is offered in a large number of public
 13 libraries in this State;

14 b. The residents of this State increasingly use the Internet as
 15 part of their daily lives as a means of obtaining news, maintaining
 16 contact with family and friends, earning a livelihood, and accessing
 17 online job postings and other employment information;

18 c. For many residents, the public library is the only venue
 19 where they can access the Internet due to the high cost of
 20 maintaining a computer system and Internet service in their homes;
 21 and

22 d. The State has a compelling interest to ensure that residents
 23 have access to the Internet as an important source of news and
 24 economic opportunity.】¹
 25

26 ¹**【3. As used in P.L. , c. (C.) (pending before the**
 27 **Legislature as this bill):**

28 "Board" means the New Jersey Board of Public Utilities or any
 29 successor agency.

30 "Franchise" means an initial authorization, or renewal thereof,
 31 issued by a franchising authority in accordance with the provisions
 32 of P.L.1972, c.186 (C.48:5A-1 et seq.), whether such authorization
 33 is designated as a franchise, permit, license, resolution, contract,
 34 certificate, agreement or otherwise, which authorizes the
 35 construction or operation of a cable television system.

36 "Cable television company" or "CATV company" means any
 37 person or group of persons (1) who provides cable service over a
 38 cable system and directly, or through one or more affiliates, owns a
 39 significant interest in such cable system, or (2) who otherwise
 40 controls or is responsible for, through any arrangement, the
 41 management and operation of such cable system.

42 "Internet" means the international computer network of both
 43 federal and non-federal interoperable packet switched data
 44 networks.

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 September 18, 2014.

1 "Public library" means a library that serves free of charge, all
2 residents of an area without discrimination and receives its financial
3 support, in whole or in part, from public funds. "Public library"
4 does not include any special-purpose library, such as a law school,
5 medical school, or any other school or academic library, which is
6 organized to serve a special clientele or purpose.

7 "System-wide franchise" means a competitive franchise issued
8 pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.) which authorizes a
9 CATV company to construct or operate a cable television system in
10 any location within this State in which the CATV company, at the
11 time of the issuance of the system-wide franchise, either has plant
12 or equipment in use for the provision of any consumer video, cable,
13 or telecommunications service, including telephone service, or has
14 proposed to place such plant or equipment into use to provide such
15 service.¹

16
17 ¹[4. Notwithstanding any law, rule, regulation, or order to the
18 contrary, a new system-wide franchise, or new franchise agreement
19 between a cable television company and a municipality to provide
20 cable television reception service to the municipality, or a renewal
21 of such a franchise or agreement, issued or approved by the board
22 after the effective date of P.L. , c. (C.) (pending before the
23 Legislature as this bill), shall require any cable television company
24 that offers Internet service to its subscribers, to provide free access
25 to Internet service to at least one public library in each municipality
26 served by the company in this State.]¹

27
28 ¹1. Section 28 of P.L.1972, c.186 (C.48:5A-28) is amended to
29 read as follows:

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

- 32 a. A description of the initial area to be served [.];
33 b. A description of the proposed service in terms of the number
34 of channels of cable television reception service [.];
35 c. Sufficient evidence that the applicant has the financial and
36 technical capacity [and], the legal [,] character, and other
37 qualifications to construct, maintain, and operate the necessary
38 installations, lines, and equipment [and] to provide the service
39 proposed in a safe, adequate, and proper manner [.];
40 d. Evidence of sufficient bond, or commitment therefor, with
41 sureties to be approved by the office, in the penal sum of not less
42 than \$25,000 for the faithful performance of all undertakings by the
43 applicant as represented in the application [;], the sufficiency of
44 which shall be subject to review by the director and approval by the
45 board [.];

- 1 e. An undertaking to hold the board and all municipalities
2 served harmless from any liability arising out of the applicant's
3 operation and construction of its CATV system **[.]**;
- 4 f. Evidence of sufficient insurance insuring the board, all
5 municipalities served, and the applicant with respect to all liability
6 for any death, personal injury, property damage, or other liability
7 arising out of the applicant's construction and operation of its
8 CATV system **[.]**, the sufficiency of which shall be subject to
9 review by the director and approval by the board. **[Such]** This
10 insurance shall be no less than: (1) \$150,000 for bodily injury or
11 death to any one person, within the limit, however, of \$500,000 for
12 bodily injury or death resulting from any one accident **[.]**; (2)
13 \$100,000 for property damage resulting from any one accident **[.]**;
14 and (3) \$50,000 for all other types of liability **[.]**, the sufficiency of
15 which shall be subject to review by the director and approval by the
16 board **[.]**;
- 17 g. A schedule of proposed rates for cable television reception
18 service, which **[rates]** shall not be altered during the term for which
19 the municipal consent is issued, except by application to the board
20 for amendment of the terms and conditions of **[said]** the consent
21 after public hearing, subject to the rules of the office, review by the
22 director, and approval by the board, or amendment pursuant to the
23 provisions of subsection b. of section 11 of P.L.1972, c.186
24 (C.48:5A-11) **[.]**;
- 25 h. (1) With regard only to applications for a system-wide
26 franchise, a commitment **[as]** to those municipalities that are
27 served by a CATV company at the time of the application, to match
28 or surpass any line extension policy operative at the time the
29 system-wide franchise is granted and placed into effect prior to the
30 enactment of P.L.2006, c.83 (C.48:5A-25.1 et al.) by a local
31 franchise or certificate of approval, for the duration of the system-
32 wide franchise. In any event, the CATV company shall extend its
33 plant along public rights-of-way to all residences and businesses
34 within 150 aerial feet of the CATV company's existing plant at no
35 cost beyond the normal installation rate, and to all residences and
36 businesses within 100 underground feet of the CATV company's
37 plant at no cost beyond the normal installation rate, and shall set a
38 minimum house per mile density of not less than 35 homes per
39 square mile.
- 40 (2) This commitment shall be in addition to any and all board
41 orders and rules that impact upon the extension of plant, except that
42 **[such]** the commitment shall supersede the board's regulations
43 adopted as N.J.A.C. 14:3-8.1 et seq., which shall not apply to
44 CATV companies, including telecommunications service providers,
45 that have obtained a system-wide franchise **[.]**;
- 46 i. With regard only to applications for a system-wide
47 franchise, a commitment to provide to each municipality that is

1 served by a CATV company, with two public, educational, and
2 governmental access channels. In the event that two or more access
3 channels are requested by a municipality, the municipality shall
4 demonstrate that its cable-related needs require the provision of
5 such additional access channels. Any and all CATV companies
6 operating in a municipality shall provide interconnection to all other
7 CATV companies on reasonable terms and conditions, and the
8 board shall adopt regulations for procedures by which disputes
9 between **[such]** CATV companies shall be determined and
10 expeditiously resolved. Each municipality or its non-profit
11 designee shall assume responsibility for the management,
12 operations and programming of the public, educational, and
13 governmental access channels **[.]**;

14 j. With regard only to applications for a system-wide
15 franchise, a commitment to install and retain or provide, without
16 charge, one service outlet activated for basic service to any and all
17 fire stations, public schools, police stations, public libraries, and
18 other **[such]** buildings used for municipal purposes **[.]**;

19 k. With regard only to applications for a system-wide
20 franchise, a commitment to provide free Internet service, without
21 charge, through one service outlet activated for basic service to any
22 and all fire stations, public schools, police stations, public libraries,
23 and other **[such]** buildings used for municipal purposes **[.]**;

24 l. With regard only to applications for a system-wide
25 franchise, a commitment to provide equipment and training for
26 access users, without charge, on a schedule to be agreed upon
27 between the municipality and the CATV company **[.]**;

28 m. With regard only to applications for a system-wide
29 franchise, a commitment to provide a return feed from any one
30 location in the municipality, without charge, to the CATV
31 company's headend or other location of interconnection to the cable
32 television system for public, educational, or governmental use,
33 which return feed, at a minimum, provides the ability for the
34 municipality to cablecast live or taped access programming, in real
35 time, as may be applicable, to the CATV company's customers in
36 the municipality. No CATV company is responsible for providing a
37 return access feed unless a municipality requests such a feed in
38 writing. A CATV company that has interconnected with another
39 CATV company may require the second CATV company to pay for
40 half of the CATV company's absorbed costs for extension **[.]**; and

41 n. With regard only to applications for a system-wide
42 franchise, a commitment to meet any consumer protection
43 requirements applicable, pursuant to board regulations, to cable
44 television companies operating under certificates of approval.

45 o. With regard only to applications for municipal consent or a
46 renewal of municipal consent, issued or approved by the board after
47 the effective date of P.L. , c. (C.) (pending before the

1 Legislature as this bill), a commitment to provide free Internet
2 service, without charge, through one service outlet activated for
3 basic service to at least one public library in the municipality that is
4 the subject of the consent.¹

5 (cf: P.L.2006, c.83, s.23)

6

7 ¹**[5.]** 2.¹ This act shall take effect immediately.