

ASSEMBLY, No. 158

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman HAROLD "HAL" J. WIRTHS
District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblymen Space, McClellan and Simonsen

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

Introduced Pending Technical Review by Legislative Counsel.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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STATEMENT

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

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