

[Fifth Reprint]

**ASSEMBLY, No. 1100**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

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**District 36 (Bergen and Passaic)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblywoman ANGELA V. MCKNIGHT**

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**District 29 (Essex)**

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**District 33 (Hudson)**

**Co-Sponsored by:**

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Assemblywoman Chaparro, Assemblyman Wimberly, Assemblywomen  
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Senators Cryan and Sacco**

**SYNOPSIS**

Requires entities to remove abandoned lines and mark information on certain lines.

**CURRENT VERSION OF TEXT**

As amended by the Senate on December 21, 2023.



(Sponsorship Updated As Of: 1/8/2024)

1 AN ACT concerning the removal <sup>3</sup>and marking<sup>3</sup> of <sup>3</sup>[abandoned]  
 2 certain<sup>3</sup> lines <sup>3</sup>[by certain entities]<sup>3</sup> and supplementing Title 48  
 3 of the Revised <sup>3</sup>[Statues] Statutes<sup>3</sup>.

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

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

10 “Abandoned” means any <sup>5</sup>[telecommunications or cable<sup>1</sup>]<sup>5</sup> line  
 11 that <sup>2</sup>: (1) is not terminated at both ends to equipment or to a  
 12 customer’s premises; (2) is not maintained in a safe condition; <sup>3</sup>[or]<sup>3</sup>  
 13 (3)<sup>2</sup> <sup>3</sup>is not intended for future use; or (4)<sup>3</sup> has not been in operation  
 14 for a period of at least <sup>1</sup>[twelve] 24<sup>1</sup> consecutive months <sup>1</sup>, <sup>2</sup>[not  
 15 including:] <sup>3</sup>[unless] and<sup>3</sup> the owner of a structure to which the line is  
 16 attached has <sup>3</sup>[expressed interest to the entity in the future use of the  
 17 line] submitted a request for removal of the line pursuant to section 3  
 18 of P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>3</sup>.  
 19 The term “abandoned” shall not include<sup>2</sup> any line that is overlashed <sup>2</sup>;  
 20 or any line that is connected to a residential or commercial building or  
 21 structure, which line is located in an area in which the owner of the  
 22 line acts as a provider of telecommunications or cable television  
 23 service, and for which line a written request for removal has not been  
 24 submitted pursuant to section 3 of P.L. , c. (C. ) (pending  
 25 before the Legislature as this bill)<sup>1</sup>]<sup>2</sup>.

26 “Board” means the Board of Public Utilities or any successor  
 27 agency.

28 <sup>1</sup>“Cable television service” means the same as the term is defined  
 29 in section 3 of P.L.1972, c.186 (C.48:5A-3).

30 <sup>5</sup>[“Copper telephone line” means any <sup>3</sup>above-ground<sup>3</sup> copper  
 31 telephone line that has been retired by an incumbent local exchange  
 32 telecommunications company <sup>3</sup>in accordance with federal law, if  
 33 applicable,<sup>3</sup> and <sup>4</sup>[is no longer in operation] has not been in operation  
 34 for a period of at least 24 consecutive months<sup>4</sup>. <sup>3</sup>The term “copper  
 35 telephone line” shall not include any line that is overlashed.<sup>3</sup>]<sup>5</sup>

36 [“Department” means the Department of Community Affairs.]<sup>1</sup>

37 “Entity” means a person, municipality, utility, or corporation  
 38 having ownership of a line <sup>5</sup>[or copper telephone line<sup>1</sup>]<sup>5</sup> in this State,  
 39 including ownership acquired by sale or corporate merger.

40 “Line” means an above-ground cable or wire attached to a pole,  
 41 building, or other structure, used <sup>1</sup>or useful<sup>1</sup> for the provision of any  
 42 telecommunications <sup>1</sup>service<sup>1</sup> or <sup>1</sup>[utility] cable television<sup>1</sup> service,

**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:

<sup>1</sup>Assembly floor amendments adopted December 15, 2022.

<sup>2</sup>Assembly floor amendments adopted January 26, 2023.

<sup>3</sup>Senate SEG committee amendments adopted June 8, 2023.

<sup>4</sup>Senate floor amendments adopted June 20, 2023.

<sup>5</sup>Senate floor amendments adopted December 21, 2023.

1 <sup>5</sup>including, but not limited to, a copper telephone line,<sup>5</sup> and shall  
2 include any equipment or facility associated with that line attached to  
3 that pole, building, or other structure.

4 <sup>4</sup>“Maintained in a safe condition” means any time in which the  
5 state of a line is in compliance with any applicable rules and  
6 regulations adopted by the board concerning plant and facility  
7 construction, which regulations shall include N.J.A.C.14:5-2.1,  
8 N.J.A.C.14:10-1A.12, and N.J.A.C.14:18-2.1, as applicable, as well as  
9 any other successor regulations.<sup>4</sup>

10 “Telecommunications service” means the <sup>1</sup>【electronic  
11 transmission, conveyance, or routing of voice, data, audio, video, or  
12 any other information or signals to a point, or between or among  
13 points】 same as the term is defined in section 3 of P.L.1972, c.186  
14 (C.48:5A-3)<sup>1</sup>.

15 “Utility” means any “public utility” as defined in R.S.48:2-13, or  
16 “local utility” as defined in section 3.1 of P.L.1975, c.291 (C.40:55D-  
17 4).

18  
19 2. a. Notwithstanding any law, rule, regulation, or order to the  
20 contrary, and in accordance with federal law, <sup>1</sup>if applicable,<sup>1</sup> an entity  
21 owning a line that is abandoned <sup>1</sup>【or permanently out of service】<sup>1</sup>  
22 shall <sup>3</sup>either correct the condition causing the line to be abandoned or<sup>3</sup>  
23 remove that line from all points of attachment <sup>2</sup>, <sup>3</sup>【except as  
24 otherwise】 as<sup>3</sup> provided under subsection d. of section 3 of P.L. ,  
25 c. (C. ) (pending before the Legislature as this bill)<sup>2</sup>.

26 b. <sup>1</sup>Notwithstanding any law, rule, regulation, or order to the  
27 contrary, when an entity that owns one or more lines in the State  
28 ceases to do business in the State, the entity shall remove the lines  
29 from all points of attachment, except not including any line for which  
30 the ownership is transferred to another entity and the line is not  
31 otherwise deemed to be abandoned.

32 c. <sup>1</sup>(1) Following the effective date of P.L. , c. (C. )  
33 (pending before the Legislature as this bill) and in accordance with  
34 federal law, <sup>1</sup>if applicable,<sup>1</sup> an entity that installs <sup>1</sup>【, or otherwise  
35 maintains,】<sup>1</sup> a <sup>1</sup>new<sup>1</sup> line <sup>1</sup>【over which】 , which line is attached to a  
36 building or structure and owned by<sup>1</sup> the entity <sup>1</sup>【has ownership】 ,<sup>1</sup>  
37 shall mark <sup>1</sup>【both ends of】 the end of<sup>1</sup> the line <sup>1</sup>attached to the  
38 building or structure<sup>1</sup> with the initials of the entity’s name,  
39 abbreviation of the entity’s name, corporate symbol, or other  
40 distinguishing mark or code by which ownership may be readily and  
41 definitely ascertained.

42 <sup>1</sup>(2) When an entity owns or maintains a line that is attached to a  
43 building or structure, which line was installed before the effective date  
44 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
45 and the entity discovers that the line does not contain the markings  
46 specified in paragraph (1) of this subsection, the entity shall mark the  
47 end of the line attached to the building or structure with the initials of

1 the entity's name, abbreviation of the entity's name, corporate symbol,  
2 or other distinguishing mark or code by which ownership may be  
3 readily and definitely ascertained. Nothing in this subsection shall be  
4 construed to require an entity to affirmatively search for any unmarked  
5 lines.<sup>1</sup>

6  
7 3. a. <sup>1</sup>**[Twelve]** Beginning 12<sup>1</sup> months after the effective date of  
8 P.L. , c. (C. ) (pending before the Legislature as this bill), in  
9 accordance with federal law <sup>1</sup>, if applicable,<sup>1</sup> and <sup>1</sup>to the extent  
10 permitted under<sup>1</sup> any applicable pole attachment agreement, the owner  
11 of a pole, building, or other structure to which a suspected abandoned  
12 line is attached <sup>1</sup>**[,]**<sup>1</sup> may send a <sup>2</sup>**[written]**<sup>2</sup> request <sup>1</sup>, in accordance  
13 with subsection c. of this section,<sup>1</sup> to the entity owning that line to  
14 request removal if the line is found to be abandoned by the entity.  
15 <sup>2</sup>**[**Within five business days after receiving the written request, the  
16 entity shall transmit a copy of the written request to the board.<sup>1</sup><sup>2</sup>

17 b. <sup>1</sup>**[**A pole attachment agreement or any other applicable  
18 agreement established or renewed after the effective date of P.L. , c.  
19 (C. ) (pending before the Legislature as this bill) may include, in  
20 accordance with federal law, a provision requiring an entity to submit  
21 a security deposit, in an amount determined by the board or  
22 department, to the owner of a pole, building, or other structure to  
23 which the entity attaches a line, which shall be refunded to the entity  
24 once the line is removed.<sup>1</sup> Beginning 12 months after the effective  
25 date of P.L. , c. (C. ) (pending before the Legislature as this  
26 bill), any person, municipality, utility, or corporation in the State may  
27 submit a<sup>2</sup>**[written]**<sup>2</sup> request, in accordance with subsection c. of this  
28 section, to the board for the removal of any suspected abandoned line,  
29 provided that the line is found to be abandoned by the entity owning  
30 the line. Within five business days after receiving the<sup>2</sup>**[written]**<sup>2</sup>  
31 request, the board shall transmit a written copy of the request to the  
32 entity that owns the line.<sup>2</sup> Nothing in this section shall prevent or  
33 prohibit a person, municipality, utility, or corporation from directly  
34 notifying an entity of a suspected abandoned line.<sup>2</sup>

35 c. (1) Within 10 months after the effective date of P.L. ,  
36 c. (C. ) (pending before the Legislature as this bill), the board  
37 shall prescribe the form and manner in which the owner of a pole,  
38 building, or structure may submit a<sup>2</sup>**[written]**<sup>2</sup> request, pursuant to  
39 subsection a. of this section, for the removal of a suspected abandoned  
40 line. <sup>5</sup>In addition to any other information that the board deems  
41 necessary, the form shall require the requestor to provide the pole  
42 number, address, or latitude and longitude of the associated pole, and a  
43 photograph of the abandoned line.<sup>5</sup> At a minimum, the board shall  
44 allow these requests to be submitted through the official Internet  
45 website of the entity.

46 (2) Within 10 months after the effective date of P.L. ,  
47 c. (C. ) (pending before the Legislature as this bill), the board

1 shall prescribe the form and manner in which a person, municipality,  
 2 utility, or corporation may submit a <sup>2</sup>[written]<sup>2</sup> request, pursuant to  
 3 subsection b. of this section, for the removal of a suspected abandoned  
 4 line. <sup>5</sup>In addition to any other information that the board deems  
 5 necessary, the form shall require the requestor to provide the pole  
 6 number, address, or latitude and longitude of the associated pole, and a  
 7 photograph of the abandoned line, if available.<sup>5</sup> At a minimum, the  
 8 board shall allow these requests to be submitted through the official  
 9 Internet website of the board.

10 (3) Within 11 months after the effective date of P.L. ,  
 11 c. (C. ) (pending before the Legislature as this bill), the official  
 12 Internet website of the board and each entity owning one or more lines  
 13 in the State shall provide instructions, in a clear and conspicuous  
 14 manner, concerning the submission of the <sup>2</sup>[written]<sup>2</sup> requests to  
 15 remove suspected abandoned lines <sup>4</sup>and the rights of customers under  
 16 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>4</sup> .

17 d. Within 30 calendar days after the date on which an entity  
 18 <sup>2</sup>[received] receives<sup>2</sup> a <sup>2</sup>[written]<sup>2</sup> request <sup>2</sup>to remove a suspected  
 19 abandoned line,<sup>2</sup> submitted pursuant to <sup>2</sup>[subsection a. or b. of]<sup>2</sup> this  
 20 section, the entity shall <sup>3</sup>investigate and determine whether the line is  
 21 abandoned. If the line is deemed to be abandoned, within 30 calendar  
 22 days after the date of such determination, the entity shall either correct  
 23 the condition causing the line to be abandoned or<sup>3</sup> <sup>2</sup>remove the line <sup>3</sup>[,  
 24 provided that the line is found to be abandoned by the entity]<sup>3</sup> .

25 e. Within 90 calendar days after the effective date of P.L. ,  
 26 c. (C. ) (pending before the Legislature as this bill), and every 90  
 27 calendar days thereafter, the entity shall<sup>2</sup> submit a written report to the  
 28 board, which report shall include <sup>2</sup>a description of all <sup>3</sup>notifications,<sup>3</sup>  
 29 complaints <sup>3</sup>,<sup>3</sup> and requests received by the entity <sup>3</sup>[during the  
 30 previous 90-day period]<sup>3</sup> <sup>5</sup>, including all reports and notifications  
 31 received pursuant to section 5 of P.L. , c. (C. ) (pending  
 32 before the Legislature as this bill),<sup>5</sup> concerning a suspected abandoned  
 33 line <sup>3</sup>since the date on which the entity submitted its most recent report  
 34 pursuant to this subsection<sup>3</sup> . For each <sup>3</sup>notification,<sup>3</sup> complaint <sup>3</sup>,<sup>3</sup> or  
 35 request, the report shall include<sup>2</sup> :

- 36 (1) <sup>2</sup>[an assessment of whether the line is abandoned;
- 37 (2) a determination of whether the line contains the markings  
 38 required under subsection c. of section 2 of the P.L. , c. (C. )  
 39 (pending before the Legislature as this bill);
- 40 (3) <sup>3</sup>the date on which the entity received the <sup>3</sup>notification,<sup>3</sup>  
 41 complaint <sup>3</sup>,<sup>3</sup> or request;
- 42 (2) the manner in which the <sup>3</sup>notification,<sup>3</sup> complaint <sup>3</sup>,<sup>3</sup> or request  
 43 was received;
- 44 (3) <sup>3</sup>[the date on which the entity resolved the complaint or  
 45 request, if resolved;

1       (4)]<sup>3</sup> the basis of the entity's determination of whether the line is  
2 abandoned;

3       <sup>3</sup>[(5)<sup>2</sup>] (4)<sup>3</sup> a description of all actions undertaken by the entity  
4 with respect to the line, including any actions to remove <sup>2</sup>, overlash,<sup>2</sup>  
5 or mark the line <sup>3</sup>, and the dates on which such actions were taken<sup>3</sup>;  
6 and

7       <sup>2</sup>[(4)] <sup>3</sup>[(6)<sup>2</sup>] (5)<sup>3</sup> any other information that may be required by  
8 the board.<sup>1</sup>

9       <sup>3</sup>f. Beginning 12 months after the effective date <sup>4</sup>of<sup>4</sup> P.L. ,  
10 c. (C. ) (pending before the Legislature as this bill), and every 12  
11 months thereafter, each entity shall provide written notice to each  
12 customer of the entity, which notice shall inform customer <sup>4</sup>, in clear  
13 and conspicuous language, that the rights<sup>4</sup> of the <sup>4</sup>[provisions of]  
14 customer under<sup>4</sup> P.L. , c. (C. ) (pending before the Legislature  
15 as this bill) <sup>4</sup>[and explain the processes through which the customer  
16 may submit a request for removal of a suspected abandoned line] can  
17 be found on the entity's official Internet website<sup>4</sup>. The written notice  
18 shall be provided in a form and manner <sup>4</sup>[prescribed] approved<sup>4</sup> by  
19 the board, except that the notice shall be provided to each customer  
20 using the same method as the entity provides a bill to the customer  
21 <sup>4</sup>and in the same language as the bill is provided to the customer<sup>4</sup> , and  
22 the notice <sup>4</sup>[shall be made available in both English and Spanish] may  
23 be included as a part of the customer's bill or as an additional notice to  
24 the customer<sup>4, 3</sup>.

25  
26       <sup>1</sup>4. a. If an entity fails to comply with any requirements of section  
27 2 <sup>2</sup>or 3<sup>2</sup> of P.L. , c. (C. ) (pending before the Legislature as this  
28 bill), the entity may be subject to a fine, as set forth in this section,  
29 which fine shall be enforced by the board.

30       b. Before an entity may be subject to a fine under this section, the  
31 board shall provide the entity with written notice of the alleged  
32 violation. Within 30 calendar days of receiving the notice, the entity  
33 shall be permitted to cure the alleged violation or demonstrate that the  
34 entity has not violated the requirements of section 2 <sup>2</sup>or 3<sup>2</sup> of P.L. ,  
35 c. (C. ) (pending before the Legislature as this bill).

36       c. If within 30 calendar days of receiving the notice, the entity  
37 fails to cure the alleged violation or fails to demonstrate that the entity  
38 has not violated the requirements of section 2 <sup>2</sup>or 3<sup>2</sup> of P.L. ,  
39 c. (C. ) (pending before the Legislature as this bill), the board  
40 may impose a <sup>4</sup>maximum aggregate<sup>4</sup> fine of <sup>4</sup>[\$100] <sup>5</sup>[\$1,000<sup>4</sup>]  
41 \$500<sup>5</sup> for each day in which the violation exists, beginning on the 31st  
42 calendar day after the submission of the written notice. In determining  
43 whether to impose a fine <sup>2</sup>and, if appropriate, in determining the  
44 amount of the fine<sup>2</sup> , the board may consider the following factors:

45       (1) the nature, circumstances, and magnitude of the violations;

1       (2) the entity's history of prior violations during the prior three-  
2 year period;

3       (3) any good faith efforts by the entity to cure the violation within  
4 a reasonable time period following notice; and

5       (4) any other considerations that the board may deem appropriate.<sup>1</sup>  
6

7       <sup>5</sup>15. a Notwithstanding any law, rule, regulation, or order to the  
8 contrary, <sup>3</sup>[and] but<sup>3</sup> in accordance with federal law, if applicable, an  
9 entity owning one or more copper telephone lines in this State shall  
10 remove each copper telephone line from all points of attachment, as  
11 provided in subsection b. of this section.

12       b. <sup>3</sup>(1)<sup>3</sup> Within 12 months after the effective date of <sup>3</sup>[the]<sup>3</sup>  
13 P.L. , c. (C. ) (pending before the Legislature as this bill), an  
14 entity owning one or more copper telephone lines in the State shall  
15 submit a written plan to the board <sup>4</sup>, as specified in paragraph (3) of  
16 this subsection, <sup>4</sup> for the removal of each copper telephone line <sup>3</sup>owned  
17 by the entity, as of the effective date of P.L. , c. (C. )  
18 (pending before the Legislature as this bill)<sup>3</sup> . In addition to any other  
19 requirements that the board may deem necessary, the entity shall  
20 remove all <sup>3</sup>such<sup>3</sup> copper telephone lines owned by the entity within  
21 10 years following the submission of the report, except that no less  
22 than 10 percent of the copper telephone lines shall be removed during  
23 each year of this period.

24       <sup>3</sup>(2) <sup>4</sup>[Beginning] Within<sup>4</sup> three years after the <sup>4</sup>[effective date  
25 of P.L. , c. (C. ) (pending before the Legislature as this  
26 bill)] submission of the written plan required under paragraph (1) of  
27 this subsection<sup>4</sup> , and every three years thereafter, an entity owning  
28 one or more copper telephone lines in the State shall submit a written  
29 plan to the board <sup>4</sup>, as specified in paragraph (3) of this subsection,<sup>4</sup>  
30 for the removal of any copper telephone line discovered by the entity  
31 after the date on which the entity last submitted a written plan to the  
32 board pursuant to this subsection. In addition to any other  
33 requirements that the board may deem necessary, the entity shall  
34 remove all such copper telephone lines owned by the entity within 10  
35 years following the submission of the report, except that no less than  
36 10 percent of the copper telephone lines shall be removed during each  
37 year of this period.<sup>3</sup>

38       <sup>4</sup>(3) Within six months after the effective date of P.L. ,  
39 c. (C. ) (pending before the Legislature as this bill), the board  
40 shall specify the information that each entity shall include in the  
41 written plans submitted pursuant to this subsection, as well as the  
42 form and manner in which each entity shall submit the written  
43 plans. Thereafter, the board may update, as necessary, the  
44 information that shall be included in the written plans and the form  
45 and manner in which the written plans shall be submitted.<sup>4</sup>

1       c. If an entity fails to comply with any requirements of this  
2 section, the board may subject the entity to a fine, <sup>3</sup>after notice,  
3 hearing, and opportunity is provided to the entity for corrective or  
4 remedial action,<sup>3</sup> in such amounts as the board deems appropriate <sup>3</sup>,  
5 not to exceed a maximum aggregate fine of \$1,000 per day<sup>3.1</sup> <sup>5</sup>  
6

7       <sup>5</sup>[<sup>2</sup>6.] <sup>5</sup> <sup>3</sup>During the course of the employee's employment,  
8 each employee of an entity <sup>5</sup>, or subcontractor of an entity,<sup>5</sup> who is  
9 responsible for installing lines or <sup>4</sup>[providing] responding to<sup>4</sup> service  
10 calls <sup>4</sup>[or in-person technical assistance]<sup>4</sup> shall have an affirmative  
11 duty to <sup>4</sup>[investigate] report<sup>4</sup> any line <sup>4</sup>[owned by the entity to  
12 determine whether the line is] that the employee <sup>5</sup>reasonably believes  
13 to be under the ownership of the employer, or in the case of the  
14 employee of a subcontractor, under the ownership of the entity for  
15 whom the subcontractor is engaged in work, and that the employee<sup>5</sup>  
16 reasonably suspects to be<sup>4</sup> abandoned <sup>5</sup>[<sup>4</sup>and] <sup>5</sup> which line is attached  
17 to a pole or structure <sup>5</sup>[in]<sup>5</sup> which the employee encounters during the  
18 normal course of installing lines or responding to service calls<sup>4.3</sup> <sup>3</sup> If  
19 <sup>3</sup>[an] the<sup>3</sup> employee of an entity <sup>4</sup>who is responsible for installing  
20 lines or responding to service calls<sup>4</sup> discovers an abandoned line  
21 during the <sup>4</sup>normal<sup>4</sup> course of the employee's <sup>4</sup>[employment] work<sup>4</sup>,  
22 the employee shall have an affirmative duty to <sup>3</sup>either remove the  
23 abandoned line, if authorized by the entity, or<sup>3</sup> report the abandoned  
24 line to the entity <sup>3</sup>for further action<sup>3</sup>. <sup>5</sup>[Within <sup>3</sup>[five business] 90  
25 calendar<sup>3</sup> days of receiving the report, the entity shall transmit a copy  
26 of the report to the board.<sup>2</sup> <sup>5</sup>  
27

28       <sup>5</sup>[<sup>2</sup>7.] <sup>6</sup> <sup>5</sup> The board may promulgate rules and regulations,  
29 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
30 (C.52:14B-1 et seq.), to implement the provisions of P.L. ,  
31 c. (C. ) (pending before the Legislature as this bill) for  
32 entities under its jurisdiction, as applicable. The board may be  
33 assisted, as appropriate, by other participating agencies,  
34 departments, boards, and authorities, including the Office of  
35 Information Technology, in the promulgation of such rules and  
36 regulations as the board deems necessary.<sup>2</sup>  
37

38       <sup>1</sup>[5.] <sup>2</sup>[6.1] <sup>5</sup>[8.2] <sup>7</sup> <sup>5</sup> This act shall take effect immediately,  
39 but shall remain inoperative for 90 days from the date of enactment.