

# ASSEMBLY, No. 1768

## STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblyman JOE DANIELSEN**

**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

**Assemblywomen Murphy, Timberlake, Assemblyman Benson,  
Assemblywoman Jasey, Assemblyman Mejia and Assemblywoman  
McKnight**

**SYNOPSIS**

Requires telecommunications companies to provide prorated refunds for service outages of longer than 72 hours.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning refunds for telecommunications service  
2 interruptions and amending P.L.1991, c.428 and P.L.2007, c.195.

3

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

6

7 1. Section 4 of P.L.1991, c.428 (C.48:2-21.19) is amended to read  
8 as follows:

9 4. a. Notwithstanding the provisions of R.S.48:2-18, R.S.48:2-21,  
10 section 31 of P.L.1962, c.198 (C.48:2-21.2), R.S.48:3-1, or any other  
11 law to the contrary, the board shall not regulate, fix, or prescribe the  
12 rates, tolls, charges, rate structures, terms and conditions of service,  
13 rate base, rate of return, and cost of service, of competitive services.  
14 The board may require the local exchange telecommunications  
15 company or interexchange telecommunications carrier to file and  
16 maintain tariffs for competitive telecommunications services.

17 b. The board is authorized to determine, after notice and hearing,  
18 whether a telecommunications service is a competitive service. In  
19 making such a determination, the board shall develop standards of  
20 competitive service which, at a minimum, shall include evidence of  
21 ease of market entry; presence of other competitors; and the  
22 availability of like or substitute services in the relevant geographic  
23 area.

24 c. The board may determine, by rule, order, or in accordance with  
25 the provisions of a plan filed pursuant to subsection a. of section 3 of  
26 **[this act]** P.L.1991, c.428 (C.48:2-21.18), what reports are necessary  
27 to monitor the competitiveness of any telecommunications service.

28 d. The board shall have the authority to reclassify any  
29 telecommunications service that it has previously found to be  
30 competitive if, after notice and hearing, it determines that sufficient  
31 competition is no longer present, upon application of the criteria set  
32 forth in subsection b. of this section. Upon such a reclassification, the  
33 provisions of subsection a. of this section shall no longer apply and the  
34 board may determine such rates for that telecommunications service  
35 which it finds to be just and reasonable. The board, however, shall  
36 continue to monitor the telecommunications service and, whenever the  
37 board shall find that the telecommunications service has again become  
38 sufficiently competitive pursuant to subsection b. of this section, the  
39 board shall again apply the provisions of subsection a. of this section.

40 e. Notwithstanding the provisions of subsection a. of this section,  
41 the following safeguards shall apply to the offering of any competitive  
42 service by a local exchange telecommunications company:

43 (1) the local exchange telecommunications company shall  
44 unbundle each noncompetitive service which is incorporated in the

**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.

1 competitive service and shall make all such noncompetitive services  
2 separately available to any customer under tariffed terms and  
3 conditions, including price, that are identical to those used by the local  
4 exchange telecommunications company in providing its competitive  
5 service;

6 (2) the rate which a local exchange telecommunications company  
7 charges for a competitive service shall exceed the rates charged to  
8 others for any noncompetitive services used by the local exchange  
9 telecommunications company to provide the competitive service;

10 (3) tariffs for competitive services filed with the board shall either  
11 be in the public records, or, if the board determines that the rates are  
12 proprietary, shall be filed under seal and made available under the  
13 terms of an appropriate protective agreement, such as those used in  
14 cases before the board; **and**

15 (4) nothing in **【this act】** P.L.1991, c.428 (C.48:2-21.16 et seq.)  
16 shall limit the authority of the board, pursuant to R.S.48:3-1, to ensure  
17 that local exchange telecommunications companies do not make or  
18 impose unjust preferences, discriminations, or classifications for  
19 noncompetitive services; **and**

20 (5) the local exchange telecommunications company shall, on a  
21 prorated basis, adjust a customer's bill, or provide a credit to a  
22 customer, who has experienced a service interruption for a period of  
23 more than 72 hours. The local exchange telecommunications company  
24 shall not require the customer to take any action in order to receive a  
25 bill adjustment or credit under this section.

26 f. The board shall require a public utility, as defined in R.S.48:2-  
27 13, that provides telephone service and is subject to regulation by the  
28 board, on a prorated basis, to adjust a customer's bill, or provide a  
29 credit to a customer, who has experienced a service interruption for a  
30 period of more than 72 hours. The telephone public utility shall not  
31 require the customer to take any action in order to receive a bill  
32 adjustment or credit under this section.

33 (cf: P.L.2017, c.77, s.1)

34

35 2. Section 4 of P.L.2007, c.195 (C.48:17-35) is amended to read  
36 as follows:

37 4. a. Except as otherwise provided in **【this act】** P.L.2007, c.195  
38 (C.48:17-32 et seq.), notwithstanding any other provision of law, rule,  
39 regulation, or order to the contrary, neither the State, nor any  
40 department, agency, board, or commission thereof, nor any political  
41 subdivision of the State shall enact, adopt, or enforce any law,  
42 ordinance, resolution, rule, regulation, order, standard, or other  
43 provision, either directly or indirectly, having the force and effect of  
44 law that regulates, or has the effect of regulating, the rates, terms, and  
45 conditions of VoIP service or IP-enabled service offered to customers.

46 b. Notwithstanding the provisions of subsection a. of this section,  
47 or any other law, rule, order, or regulation, the Board of Public  
48 Utilities shall require a company that provides a VoIP service or IP-

1 enabled service, on a prorated basis, to adjust a customer's bill, or  
2 provide a credit to a customer, who has experienced a service  
3 interruption for a period of more than 72 hours. The company shall  
4 not require the customer to take any action in order to receive a bill  
5 adjustment or credit under this section.

6 (cf: P.L.2007, c.195, s.4)

7

8 3. This act shall take effect immediately.

9

10

11

#### STATEMENT

12

13 This bill directs the Board of Public Utilities to require  
14 telecommunications companies and companies that offer Voice Over  
15 Internet Protocol and other Internet-based telephone services, on a  
16 prorated basis, to adjust a customer's bill, or provide a credit to a  
17 customer, who has experienced a telephone service interruption for a  
18 period of more than 72 hours. The bill also directs these companies to  
19 provide the bill adjustment or credit without requiring the customer to  
20 take any action.