ASSEMBLY, No. 1768

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

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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.

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

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

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

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

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

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

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

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

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

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

(4) nothing in [this act] P.L.1991, c.428 (C.48:2-21 et seq.) shall limit the authority of the board, pursuant to R.S.48:3-1, to ensure that local exchange telecommunications companies do not make or impose unjust preferences, discriminations, or classifications for noncompetitive services; and

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

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

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

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

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

b. Notwithstanding the provisions of subsection a. of this section, or any other law, rule, order, or regulation, the Board of Public Utilities shall require a company that provides a VoIP service or IP-
enabled service, on a prorated basis, to adjust a customer’s bill, or
provide a credit to a customer, who has experienced a service
interruption for a period of more than 72 hours. The company shall
not require the customer to take any action in order to receive a bill
adjustment or credit under this section.
(cf: P.L.2007, c.195, s.4)

3. This act shall take effect immediately.

STATEMENT

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