

# ASSEMBLY, No. 1785

## 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)**

**SYNOPSIS**

Requires certain CATV companies to provide Internet service at public libraries with business customer class Internet access bandwidth and circuit capacity proportional to public libraries' needs.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning Internet service to public libraries and  
2 amending P.L.1972, c.186.

3

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

6

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

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

11 a. A description of the initial area to be served **[.]**;

12 b. A description of the proposed service in terms of the number  
13 of channels of cable television reception service **[.]**;

14 c. Sufficient evidence that the applicant has the financial and  
15 technical capacity **[and]**, the legal **[,]** character, and other  
16 qualifications to construct, maintain, and operate the necessary  
17 installations, lines, and equipment **[and]** to provide the service  
18 proposed in a safe, adequate, and proper manner **[.]**;

19 d. Evidence of sufficient bond, or commitment therefor, with  
20 sureties to be approved by the office, in the penal sum of not less  
21 than \$25,000 for the faithful performance of all undertakings by the  
22 applicant as represented in the application **[.]**, the sufficiency of  
23 which shall be subject to review by the director and approval by the  
24 board **[.]**;

25 e. An undertaking to hold the board and all municipalities  
26 served harmless from any liability arising out of the applicant's  
27 operation and construction of its CATV system **[.]**;

28 f. Evidence of sufficient insurance insuring the board, all  
29 municipalities served, and the applicant with respect to all liability  
30 for any death, personal injury, property damage, or other liability  
31 arising out of the applicant's construction and operation of its  
32 CATV system **[.]**, the sufficiency of which shall be subject to  
33 review by the director and approval by the board. **[Such]** This  
34 insurance shall be no less than: (1) \$150,000 for bodily injury or  
35 death to any one person, within the limit, however, of \$500,000 for  
36 bodily injury or death resulting from any one accident **[.]**; (2)  
37 \$100,000 for property damage resulting from any one accident **[.]**;  
38 and (3) \$50,000 for all other types of liability **[.]**, the sufficiency of  
39 which shall be subject to review by the director and approval by the  
40 board **[.]**;

41 g. A schedule of proposed rates for cable television reception  
42 service, which **[rates]** shall not be altered during the term for which  
43 the municipal consent is issued, except by application to the board  
44 for amendment of the terms and conditions of **[said]** the consent

**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 after public hearing, subject to the rules of the office, review by the  
2 director, and approval by the board, or amendment pursuant to the  
3 provisions of subsection b. of section 11 of P.L.1972,  
4 c.186 (C.48:5A-11) **【.】**;

5 h. (1) With regard only to applications for a system-wide  
6 franchise, a commitment **【as】** to those municipalities that are  
7 served by a CATV company at the time of the application, to match  
8 or surpass any line extension policy operative at the time the  
9 system-wide franchise is granted and placed into effect prior to the  
10 enactment of P.L.2006, c.83 (C.48:5A-25.1 et al.) by a local  
11 franchise or certificate of approval, for the duration of the system-  
12 wide franchise. In any event, the CATV company shall extend its  
13 plant along public rights-of-way to all residences and businesses  
14 within 150 aerial feet of the CATV company's existing plant at no  
15 cost beyond the normal installation rate, and to all residences and  
16 businesses within 100 underground feet of the CATV company's  
17 plant at no cost beyond the normal installation rate, and shall set a  
18 minimum house per mile density of not less than 35 homes per  
19 square mile.

20 (2) This commitment shall be in addition to any and all board  
21 orders and rules that impact upon the extension of plant, except that  
22 **【such】** the commitment shall supersede the board's regulations  
23 adopted as N.J.A.C. 14:3-8.1 et seq., which shall not apply to  
24 CATV companies, including telecommunications service providers,  
25 that have obtained a system-wide franchise **【.】**;

26 i. With regard only to applications for a system-wide  
27 franchise, a commitment to provide to each municipality that is  
28 served by a CATV company, with two public, educational, and  
29 governmental access channels. In the event that two or more access  
30 channels are requested by a municipality, the municipality shall  
31 demonstrate that its cable-related needs require the provision of  
32 such additional access channels. Any and all CATV companies  
33 operating in a municipality shall provide interconnection to all other  
34 CATV companies on reasonable terms and conditions, and the  
35 board shall adopt regulations for procedures by which disputes  
36 between **【such】** CATV companies shall be determined and  
37 expeditiously resolved. Each municipality or its non-profit  
38 designee shall assume responsibility for the management,  
39 operations and programming of the public, educational, and  
40 governmental access channels **【.】**;

41 j. With regard only to applications for a system-wide  
42 franchise, a commitment to install and retain or provide, without  
43 charge, one service outlet activated for basic service to any and all  
44 fire stations, public schools, police stations, public libraries, and  
45 other **【such】** buildings used for municipal purposes **【.】**;

46 k. With regard only to applications for a system-wide  
47 franchise, a commitment to provide free Internet service, without

1 charge, through one service outlet activated for basic service to any  
2 and all fire stations, public schools, police stations, public libraries,  
3 and other **["such"]** buildings used for municipal purposes. The free  
4 Internet service provided to a public library shall have a business  
5 customer class Internet access bandwidth and circuit capacity  
6 proportional to the public library's needs;

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

11 m. With regard only to applications for a system-wide  
12 franchise, a commitment to provide a return feed from any one  
13 location in the municipality, without charge, to the CATV  
14 company's headend or other location of interconnection to the cable  
15 television system for public, educational, or governmental use,  
16 which return feed, at a minimum, provides the ability for the  
17 municipality to cablecast live or taped access programming, in real  
18 time, as may be applicable, to the CATV company's customers in  
19 the municipality. No CATV company is responsible for providing a  
20 return access feed unless a municipality requests such a feed in  
21 writing. A CATV company that has interconnected with another  
22 CATV company may require the second CATV company to pay for  
23 half of the CATV company's absorbed costs for extension **["."]; and**

24 n. With regard only to applications for a system-wide  
25 franchise, a commitment to meet any consumer protection  
26 requirements applicable, pursuant to board regulations, to cable  
27 television companies operating under certificates of approval.  
28 (cf: P.L.2006, c.83, s.23)

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30 2. This act shall take effect immediately.

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STATEMENT

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35 This bill amends existing law to require cable television  
36 companies having a system-wide franchise to install free Internet  
37 access at public libraries within its franchise area that has a business  
38 customer class Internet access bandwidth and circuit capacity  
39 proportional to the public libraries' needs.