

# ASSEMBLY, No. 2808

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 28, 2022

**Sponsored by:**

**Assemblyman CLINTON CALABRESE**

**District 36 (Bergen and Passaic)**

**SYNOPSIS**

Directs BPU to prohibit Internet service providers from installing broadband telecommunications infrastructure on certain poles or underground facilities unless Internet service providers adhere to principle of “net neutrality.”

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning Internet service providers and supplementing  
2 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 P.L. , c. (C. ) (pending before the  
8 Legislature as this bill):

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

12 "Internet service provider" shall have the same meaning as  
13 provided in section 3 of P.L.2007, c.272 (C.56:8-170), including a  
14 governing body of a local unit that provides Internet service  
15 pursuant to P.L.2007, c.191 (C.40:9D-1 et seq.).

16 "Paid prioritization" means the management of an Internet  
17 service provider's network to directly or indirectly favor some data  
18 traffic over other data traffic, including through use of techniques  
19 such as data traffic shaping, prioritization, resource reservation, or  
20 other forms of preferential data traffic management, either in  
21 exchange for consideration from a third party or to benefit an  
22 affiliated entity.

23 "Underground facility" means any public or private personal  
24 property which is buried, placed below ground, or submerged on a  
25 right-of-way, easement, public street, other public place or private  
26 property and used for telephone, cable television, or broadband  
27 Internet service.

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29 2. Notwithstanding any law, rule, regulation, or order to the  
30 contrary, and consistent with federal law, the Board of Public  
31 Utilities shall prohibit an Internet service provider from installing  
32 broadband telecommunications infrastructure on any pole or post  
33 located on or over any highway or any right-of-way, or on any  
34 underground facility, belonging to a public utility or cable  
35 television company, unless the Internet service provider:

36 a. publicly discloses to customers located in this State accurate  
37 information regarding the network management practices and  
38 performance, and commercial terms of its Internet service;

39 b. does not engage in paid prioritization; and

40 c. permits customers located in this State to:

41 (1) access all lawful Internet content, applications, and services,  
42 and to use non-harmful Internet-enabled devices, without  
43 discrimination, subject to reasonable network management; and

44 (2) access all lawful Internet content, applications, and services,  
45 and to use non-harmful Internet-enabled devices, without the  
46 impairment or degradation of Internet access speeds, subject to  
47 reasonable network management.

1       3. This act shall take effect immediately.

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STATEMENT

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6       This bill directs the Board of Public Utilities to prohibit an  
7 Internet service provider (ISP) from installing broadband  
8 telecommunications infrastructure on any pole or post located on or  
9 over any highway or any right-of-way, or on any underground  
10 facility, belonging to a public utility or cable television company,  
11 unless the ISP: 1) publicly discloses to customers located in this  
12 State accurate information regarding the network management  
13 practices and performance, and commercial terms of its Internet  
14 service; 2) does not engage in paid prioritization; and 3) permits  
15 customers located in this State to access all lawful Internet content,  
16 applications, and services, and to use non-harmful Internet-enabled  
17 devices, without discrimination and without the impairment or  
18 degradation of Internet access speeds, subject to reasonable network  
19 management.

20       This bill defines “paid prioritization” as the management of an  
21 ISP’s network to directly or indirectly favor some data traffic over  
22 other data traffic, including through use of techniques such as data  
23 traffic shaping, prioritization, resource reservation, or other forms  
24 of preferential data traffic management, either in exchange for  
25 consideration from a third party or to benefit an affiliated entity.