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.
AN ACT concerning Internet service providers and supplementing
Title 48 of the Revised Statutes.

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

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

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

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

“Paid prioritization” means the management of an Internet
service provider’s network to directly or indirectly favor some data
traffic over other data traffic, including through use of techniques
such as data traffic shaping, prioritization, resource reservation, or
other forms of preferential data traffic management, either in
exchange for consideration from a third party or to benefit an
affiliated entity.

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

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

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

b. does not engage in paid prioritization; and

c. permits customers located in this State to:

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

(2) access all lawful Internet content, applications, and services,
and to use non-harmful Internet-enabled devices, without the
impairment or degradation of Internet access speeds, subject to
reasonable network management.
3. This act shall take effect immediately.

STATEMENT

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

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