

[First Reprint]

**SENATE, No. 995**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED JANUARY 31, 2022

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**Co-Sponsored by:**

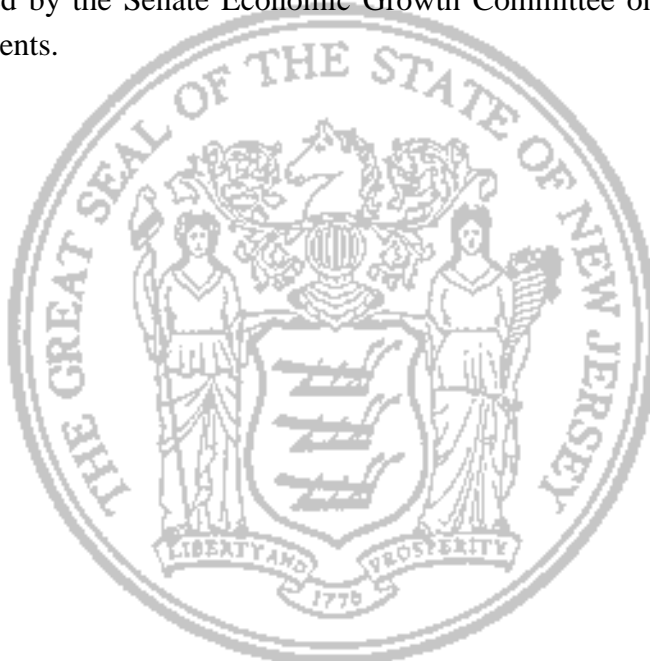
**Senators Cryan and Sacco**

**SYNOPSIS**

Requires entities to remove abandoned lines and certain copper telephone lines and mark information on certain lines.

**CURRENT VERSION OF TEXT**

As reported by the Senate Economic Growth Committee on June 8, 2023, with amendments.



**(Sponsorship Updated As Of: 6/9/2022)**

1 AN ACT concerning the removal <sup>1</sup>and marking<sup>1</sup> of <sup>1</sup>**abandoned**  
 2 certain<sup>1</sup> lines <sup>1</sup>**by certain entities**<sup>1</sup> and supplementing Title 48  
 3 of the Revised <sup>1</sup>**Statues** Statutes<sup>1</sup>.

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

7  
 8 1. As used in P.L. , c. (C. ) (pending before the  
 9 Legislature as this bill):

10 “Abandoned” means any <sup>1</sup>telecommunications or cable<sup>1</sup> line that  
 11 <sup>1</sup>: (1) is not terminated at both ends to equipment or to a customer’s  
 12 premises; (2) is not maintained in a safe condition; (3) is not  
 13 intended for future use; or (4)<sup>1</sup> has not been in operation for a  
 14 period of at least <sup>1</sup>**twelve** <sup>1</sup>24<sup>1</sup> consecutive months <sup>1</sup>, and the  
 15 owner of a structure to which the line is attached has submitted a  
 16 request for removal of the line pursuant to section 3 of P.L. ,  
 17 c. (C. ) (pending before the Legislature as this bill). The term  
 18 “abandoned” shall not include any line that is overlashed<sup>1</sup>.

19 “Board” means the Board of Public Utilities or any successor  
 20 agency.

21 <sup>1</sup>“Cable television service” means the same as the term is defined  
 22 in section 3 of P.L.1972, c.186 (C.48:5A-3).

23 “Copper telephone line” means any above-ground copper  
 24 telephone line that has been retired by an incumbent local exchange  
 25 telecommunications company in accordance with federal law, if  
 26 applicable, and is no longer in operation. The term “copper  
 27 telephone line” shall not include any line that is overlashed.

28 **“Department”** means the Department of Community Affairs.<sup>1</sup>

29 “Entity” means a person, municipality, utility, or corporation  
 30 having ownership of a line <sup>1</sup>or copper telephone line<sup>1</sup> in this State,  
 31 including ownership acquired by sale or corporate merger.

32 “Line” means an above-ground cable or wire attached to a pole,  
 33 building, or other structure, used <sup>1</sup>or useful<sup>1</sup> for the provision of any  
 34 telecommunications <sup>1</sup>service<sup>1</sup> or <sup>1</sup>**utility** cable television<sup>1</sup> service,  
 35 and shall include any equipment or facility associated with that line  
 36 attached to that pole, building, or other structure.

37 “Telecommunications service” means the <sup>1</sup>**electronic**  
 38 transmission, conveyance, or routing of voice, data, audio, video, or  
 39 any other information or signals to a point, or between or among  
 40 points <sup>1</sup>**same as the term is defined in section 3 of P.L.1972, c.186**  
 41 (C.48:5A-3)<sup>1</sup>.

42 “Utility” means any “public utility” as defined in R.S.48:2-13, or  
 43 “local utility” as defined in section 3.1 of P.L.1975, c.291  
 44 (C.40:55D-4).

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEG committee amendments adopted June 8, 2023.

1       2. a. Notwithstanding any law, rule, regulation, or order to the  
2 contrary, and in accordance with federal law, <sup>1</sup>if applicable,<sup>1</sup> an  
3 entity owning a line that is abandoned <sup>1</sup>**or permanently out of**  
4 **service**<sup>1</sup> shall <sup>1</sup>either correct the condition causing the line to be  
5 abandoned or<sup>1</sup> remove that line from all points of attachment <sup>1</sup>, as  
6 provided under subsection d. of section 3 of P.L. , c. (C. )  
7 (pending before the Legislature as this bill)<sup>1</sup>.

8       b. <sup>1</sup>Notwithstanding any law, rule, regulation, or order to the  
9 contrary, when an entity that owns one or more lines in the State  
10 ceases to do business in the State, the entity shall remove the lines  
11 from all points of attachment, except not including any line for  
12 which the ownership is transferred to another entity and the line is  
13 not otherwise deemed to be abandoned.

14       c. <sup>1</sup>(1) Following the effective date of P.L. , c. (C. )  
15 (pending before the Legislature as this bill) and in accordance with  
16 federal law, <sup>1</sup>if applicable,<sup>1</sup> an entity that installs <sup>1</sup>**or otherwise**  
17 **maintains,**<sup>1</sup> a <sup>1</sup>new<sup>1</sup> line <sup>1</sup>**over which**<sup>1</sup>, which line is attached to  
18 a building or structure and owned by<sup>1</sup> the entity <sup>1</sup>**has ownership**  
19 **,**<sup>1</sup> shall mark <sup>1</sup>**both ends of**<sup>1</sup> the end of<sup>1</sup> the line <sup>1</sup>attached to the  
20 building or structure<sup>1</sup> with the initials of the entity's name,  
21 abbreviation of the entity's name, corporate symbol, or other  
22 distinguishing mark or code by which ownership may be readily  
23 and definitely ascertained.

24       <sup>1</sup>(2) When an entity owns or maintains a line that is attached to a  
25 building or structure, which line was installed before the effective  
26 date of P.L. , c. (C. ) (pending before the Legislature as this  
27 bill), and the entity discovers that the line does not contain the  
28 markings specified in paragraph (1) of this subsection, the entity  
29 shall mark the end of the line attached to the building or structure  
30 with the initials of the entity's name, abbreviation of the entity's  
31 name, corporate symbol, or other distinguishing mark or code by  
32 which ownership may be readily and definitely ascertained.  
33 Nothing in this subsection shall be construed to require an entity to  
34 affirmatively search for any unmarked lines.<sup>1</sup>

35  
36       3. a. <sup>1</sup>**Twelve**<sup>1</sup> Beginning 12<sup>1</sup> months after the effective date  
37 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
38 in accordance with federal law <sup>1</sup>, if applicable,<sup>1</sup> and <sup>1</sup>to the extent  
39 permitted under<sup>1</sup> any applicable pole attachment agreement, the  
40 owner of a pole, building, or other structure to which a suspected  
41 abandoned line is attached may send a <sup>1</sup>**written**<sup>1</sup> request <sup>1</sup>, in  
42 accordance with subsection c. of this section,<sup>1</sup> to the entity owning  
43 that line to request removal if the line is found to be abandoned by  
44 the entity.

45       b. <sup>1</sup>**A** pole attachment agreement or any other applicable  
46 agreement established or renewed after the effective date of P.L. ,

1 c. (C. ) (pending before the Legislature as this bill) may  
2 include, in accordance with federal law, a provision requiring an  
3 entity to submit a security deposit, in an amount determined by the  
4 board or department, to the owner of a pole, building, or other  
5 structure to which the entity attaches a line, which shall be refunded  
6 to the entity once the line is removed. Beginning 12 months after  
7 the effective date of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill), any person, municipality, utility, or  
9 corporation in the State may submit a request, in accordance with  
10 subsection c. of this section, to the board for the removal of any  
11 suspected abandoned line, provided that the line is found to be  
12 abandoned by the entity owning the line. Within five business days  
13 after receiving the request, the board shall transmit a written copy  
14 of the request to the entity that owns the line. Nothing in this  
15 section shall prevent or prohibit a person, municipality, utility, or  
16 corporation from directly notifying an entity of a suspected  
17 abandoned line.

18 c. (1) Within 10 months after the effective date of P.L. ,  
19 c. (C. ) (pending before the Legislature as this bill), the board  
20 shall prescribe the form and manner in which the owner of a pole,  
21 building, or structure may submit a request, pursuant to subsection  
22 a. of this section, for the removal of a suspected abandoned line. At  
23 a minimum, the board shall allow these requests to be submitted  
24 through the official Internet website of the entity.

25 (2) Within 10 months after the effective date of P.L. ,  
26 c. (C. ) (pending before the Legislature as this bill), the board  
27 shall prescribe the form and manner in which a person,  
28 municipality, utility, or corporation may submit a request, pursuant  
29 to subsection b. of this section, for the removal of a suspected  
30 abandoned line. At a minimum, the board shall allow these requests  
31 to be submitted through the official Internet website of the board.

32 (3) Within 11 months after the effective date of P.L. ,  
33 c. (C. ) (pending before the Legislature as this bill), the  
34 official Internet website of the board and each entity owning one or  
35 more lines in the State shall provide instructions, in a clear and  
36 conspicuous manner, concerning the submission of the requests to  
37 remove suspected abandoned lines.

38 d. Within 30 calendar days after the date on which an entity  
39 receives a request to remove a suspected abandoned line, submitted  
40 pursuant to this section, the entity shall investigate and determine  
41 whether the line is abandoned. If the line is deemed to be  
42 abandoned, within 30 calendar days after the date of such  
43 determination, the entity shall either correct the condition causing  
44 the line to be abandoned or remove the line.

45 e. Within 90 calendar days after the effective date of P.L. ,  
46 c. (C. ) (pending before the Legislature as this bill), and every  
47 90 calendar days thereafter, the entity shall submit a written report  
48 to the board, which report shall include a description of all

1 notifications, complaints, and requests received by the entity  
2 concerning a suspected abandoned line since the date on which the  
3 entity submitted its most recent report pursuant to this subsection.

4 For each notification, complaint, or request, the report shall include:

5 (1) the date on which the entity received the notification,  
6 complaint, or request;

7 (2) the manner in which the notification, complaint, or request  
8 was received;

9 (3) the basis of the entity's determination of whether the line is  
10 abandoned;

11 (4) a description of all actions undertaken by the entity with  
12 respect to the line, including any actions to remove, overlash, or  
13 mark the line, and the dates on which such actions were taken; and

14 (5) any other information that may be required by the board.

15 f. Beginning 12 months after the effective date P.L. ,

16 c. (C. ) (pending before the Legislature as this bill), and every  
17 12 months thereafter, each entity shall provide written notice to  
18 each customer of the entity, which notice shall inform the customer  
19 of the provisions of P.L. , c. (C. ) (pending before the  
20 Legislature as this bill) and explain the processes through which the  
21 customer may submit a request for removal of a suspected  
22 abandoned line. The written notice shall be provided in a form and  
23 manner prescribed by the board, except that the notice shall be  
24 provided to each customer using the same method as the entity  
25 provides a bill to the customer, and the notice shall be made  
26 available in both English and Spanish.<sup>1</sup>

27  
28 <sup>1</sup>**4.** The board and the department shall promulgate rules and  
29 regulations, pursuant to the "Administrative Procedure Act,"  
30 P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions  
31 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
32 for entities under their respective jurisdictions, as applicable. The  
33 board and department may be assisted, as appropriate, by other  
34 participating agencies, departments, boards, and authorities,  
35 including the Office of Information Technology, in the  
36 promulgation of necessary rules and regulations.<sup>1</sup>

37  
38 <sup>1</sup>4. a. If an entity fails to comply with any requirements of  
39 section 2 or 3 of P.L. , c. (C. ) (pending before the  
40 Legislature as this bill), the entity may be subject to a fine, as set  
41 forth in this section, which fine shall be enforced by the board.

42 b. Before an entity may be subject to a fine under this section,  
43 the board shall provide the entity with written notice of the alleged  
44 violation. Within 30 calendar days of receiving the notice, the  
45 entity shall be permitted to cure the alleged violation or demonstrate  
46 that the entity has not violated the requirements of section 2 or 3 of  
47 P.L. , c. (C. ) (pending before the Legislature as this bill).

1       c. If within 30 calendar days of receiving the notice, the entity  
2 fails to cure the alleged violation or fails to demonstrate that the  
3 entity has not violated the requirements of section 2 or 3 of P.L. ,  
4 c. (C. ) (pending before the Legislature as this bill), the board  
5 may impose a fine of \$100 for each day in which the violation  
6 exists, beginning on the 31st calendar day after the submission of  
7 the written notice. In determining whether to impose a fine and, if  
8 appropriate, in determining the amount of the fine, the board may  
9 consider the following factors:

- 10       (1) the nature, circumstances, and magnitude of the violations;  
11       (2) the entity's history of prior violations during the prior three-  
12 year period;  
13       (3) any good faith efforts by the entity to cure the violation  
14 within a reasonable time period following notice; and  
15       (4) any other considerations that the board may deem  
16 appropriate.<sup>1</sup>

17  
18       <sup>1</sup>5. a. Notwithstanding any law, rule, regulation, or order to the  
19 contrary, but in accordance with federal law, if applicable, an entity  
20 owning one or more copper telephone lines in this State shall  
21 remove each copper telephone line from all points of attachment, as  
22 provided in subsection b. of this section.

23       b. (1) Within 12 months after the effective date of P.L. ,  
24 c. (C. ) (pending before the Legislature as this bill), an entity  
25 owning one or more copper telephone lines in the State shall submit  
26 a written plan to the board for the removal of each copper telephone  
27 line owned by the entity, as of the effective date of P.L. ,  
28 c. (C. ) (pending before the Legislature as this bill). In  
29 addition to any other requirements that the board may deem  
30 necessary, the entity shall remove all such copper telephone lines  
31 owned by the entity within 10 years following the submission of the  
32 report, except that no less than 10 percent of the copper telephone  
33 lines shall be removed during each year of this period.

34       (2) Beginning three years after the effective date of P.L. ,  
35 c. (C. ) (pending before the Legislature as this bill), and every  
36 three years thereafter, an entity owning one or more copper  
37 telephone lines in the State shall submit a written plan to the board  
38 for the removal of any copper telephone line discovered by the  
39 entity after the date on which the entity last submitted a written plan  
40 to the board pursuant to this subsection. In addition to any other  
41 requirements that the board may deem necessary, the entity shall  
42 remove all such copper telephone lines owned by the entity within  
43 10 years following the submission of the report, except that no less  
44 than 10 percent of the copper telephone lines shall be removed  
45 during each year of this period.

46       c. If an entity fails to comply with any requirements of this  
47 section, the board may subject the entity to a fine, after notice,  
48 hearing, and opportunity is provided to the entity for corrective or

1 remedial action, in such amounts as the board deems appropriate,  
2 not to exceed a maximum aggregate fine of \$1,000 per day.<sup>1</sup>  
3

4 <sup>1</sup>6. During the course of the employee's employment, each  
5 employee of an entity who is responsible for installing lines or  
6 providing service calls or in-person technical assistance shall have  
7 an affirmative duty to investigate any line owned by the entity to  
8 determine whether the line is abandoned. If the employee of an  
9 entity discovers an abandoned line during the course of the  
10 employee's employment, the employee shall have an affirmative  
11 duty to either remove the abandoned line, if authorized by the  
12 entity, or report the abandoned line to the entity for further action.  
13 Within 90 calendar days of receiving the report, the entity shall  
14 transmit a copy of the report to the board.<sup>1</sup>  
15

16 <sup>1</sup>7. The board may promulgate rules and regulations, pursuant to  
17 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
18 et seq.), to implement the provisions of P.L. , c. (C. )  
19 (pending before the Legislature as this bill) for entities under its  
20 jurisdiction, as applicable. The board may be assisted, as  
21 appropriate, by other participating agencies, departments, boards,  
22 and authorities, including the Office of Information Technology, in  
23 the promulgation of such rules and regulations as the board deems  
24 necessary.<sup>1</sup>  
25

26 <sup>1</sup>[5.] 8.<sup>1</sup> This act shall take effect immediately, but shall remain  
27 inoperative for 90 days from the date of enactment.