

SENATE, No. 1226

STATE OF NEW JERSEY
220th LEGISLATURE

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Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Requires CATV companies to provide free broadband Internet service and associated equipment to public libraries and, under certain circumstances, other municipal buildings.

CURRENT VERSION OF TEXT

As introduced.



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

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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. 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]** The
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 commitment shall supersede the board's regulations adopted as
23 N.J.A.C. 14:3-8.1 et seq., which shall not apply to CATV
24 companies, including telecommunications service providers, that
25 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】** A
33 CATV company operating in a municipality shall provide
34 interconnection to all other CATV companies on reasonable terms
35 and conditions, and the board shall adopt regulations for procedures
36 by which disputes between such CATV companies shall be
37 determined and expeditiously resolved. Each municipality or its
38 non-profit 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 franchise
47 or a renewal of a system-wide franchise, issued or approved by the

1 board after the effective date of P.L. , c. (C.) (pending
2 before the Legislature as this bill), a commitment to provide free
3 Internet service, including the provision of any routers or other
4 equipment necessary to provide that service, without charge,
5 through one service outlet activated for basic service to any and all
6 fire stations, public schools, police stations, public libraries, and
7 other such buildings used for municipal purposes [.]. The free
8 Internet service provided to a public library shall have a business
9 customer class Internet access bandwidth and circuit capacity
10 proportional to the public library's needs;

11 l. With regard only to applications for a system-wide
12 franchise, a commitment to provide equipment and training for
13 access users, without charge, on a schedule to be agreed upon
14 between the municipality and the CATV company [.]

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

28 n. With regard only to applications for a system-wide
29 franchise, a commitment to meet any consumer protection
30 requirements applicable, pursuant to board regulations, to cable
31 television companies operating under certificates of approval [.]
32 and

33 o. With regard only to applications for municipal consent or a
34 renewal of municipal consent, issued or approved by the board after
35 the effective date of P.L. , c. (C.) (pending before the
36 Legislature as this bill), a commitment to provide free Internet
37 service, including the provision of any routers or other equipment
38 necessary to provide that service, without charge, through one
39 service outlet activated for basic service to at least one public
40 library in the municipality that is the subject of the consent. The
41 free Internet service provided to a public library shall have a
42 business customer class Internet access bandwidth and circuit
43 capacity proportional to the public library's needs.

44 (cf: P.L.2006, c.83, s.23)

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill requires a cable television (CATV) company that is
7 applying for or renewing a municipal franchise to provide free Internet
8 service, including routers or other necessary equipment, to at least one
9 public library in the municipality served by the CATV company. The
10 free Internet service requirement is to take effect as part of any new or
11 renewed municipal franchise agreement that is issued or approved by
12 the Board of Public Utilities after the effective date of the bill. The
13 bill also requires a CATV company to provide the public library with a
14 business customer class Internet access bandwidth and circuit capacity
15 proportional to the public library's needs.

16 Further, the bill require a CATV company that is applying for or
17 renewing system-wide franchise to provide free Internet service,
18 including a router or other necessary equipment, to all municipal
19 buildings in a municipality served by that CATV company. The free
20 Internet service provided to a public library by a CATV company that
21 is a system-wide franchise shall have a business customer class
22 Internet access bandwidth and circuit capacity proportional to the
23 public library's needs.