

# ASSEMBLY, No. 2131

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblyman NICHOLAS CHIARAVALLOTI**

**District 31 (Hudson)**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblyman CLINTON CALABRESE**

**District 36 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblyman Mukherji**

**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.



**(Sponsorship Updated As Of: 3/13/2018)**

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

3

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 this act:

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

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

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

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

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

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

37 b. does not engage in paid prioritization; and

38 c. permits customers located in this State to:

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

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

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47 3. This act shall take effect immediately.

STATEMENT

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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.

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