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SYNOPSIS
Requires cable television company to commit to principle of “net neutrality” as condition of approval of application for municipal consent or system-wide franchise.

CURRENT VERSION OF TEXT
As reported by the Assembly Science, Innovation and Technology Committee on March 12, 2018, with amendments.

(Sponsorship Updated As Of: 6/21/2019)
AN ACT concerning cable television service and amending P.L.1972, c.186.

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

1. Section 28 of P.L.1972, c.186 (C.48:5A-28) is amended to read as follows:

28. Each application for a municipal consent or system-wide franchise shall contain:
   a. A description of the initial area to be served.
   b. A description of the proposed service in terms of the number of channels of cable television reception service.
   c. Sufficient evidence that the applicant has the financial and technical capacity and the legal, character and other qualifications to construct, maintain and operate the necessary installations, lines and equipment and to provide the service proposed in a safe, adequate and proper manner.
   d. Evidence of sufficient bond, or commitment therefor, with sureties to be approved by the office, in the penal sum of not less than $25,000 for the faithful performance of all undertakings by the applicant as represented in the application; the sufficiency of which shall be subject to review by the director and approval by the board.
   e. An undertaking to hold the board and all municipalities served harmless from any liability arising out of the applicant's operation and construction of its CATV system.
   f. Evidence of sufficient insurance insuring the board, all municipalities served and the applicant with respect to all liability for any death, personal injury, property damage or other liability arising out of the applicant's construction and operation of its CATV system; the sufficiency of which shall be subject to review by the director and approval by the board. Such insurance shall be no less than: (1) $150,000 for bodily injury or death to any one person, within the limit, however, of $500,000 for bodily injury or death resulting from any one accident, (2) $100,000 for property damage resulting from any one accident, and (3) $50,000 for all other types of liability; the sufficiency of which shall be subject to review by the director and approval by the board.
   g. A schedule of proposed rates for cable television reception service, which rates shall not be altered during the term for which the municipal consent is issued, except by application to the board for amendment of the terms and conditions of said consent after public hearing, subject to the rules of the office, review by the director and

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:
1Assembly AST committee amendments adopted March 12, 2018.
approval by the board, or amendment pursuant to the provisions of

h. (1) With regard only to applications for a system-wide
franchise, a commitment as to those municipalities that are served by a
CATV company at the time of the application, to match or surpass any
line extension policy operative at the time the system-wide franchise is
granted and placed into effect prior to the enactment of P.L.2006, c.83
(C.48:5A-25.1 et al.) by a local franchise or certificate of approval, for
the duration of the system-wide franchise. In any event, the CATV
company shall extend its plant along public rights-of-way to all
residences and businesses within 150 aerial feet of the CATV
company's existing plant at no cost beyond the normal installation rate,
and to all residences and businesses within 100 underground feet of
the CATV company's plant at no cost beyond the normal installation
rate, and shall set a minimum house per mile density of not less than
35 homes per square mile.

(2) This commitment shall be in addition to any and all board
orders and rules that impact upon the extension of plant, except that
such commitment shall supersede the board's regulations adopted as
N.J.A.C.14:3-8.1 et seq., which shall not apply to CATV companies,
including telecommunications service providers that have obtained a
system-wide franchise.

i. With regard only to applications for a system-wide franchise, a
commitment to provide to each municipality that is served by a CATV
company, with two public, educational and governmental access
channels. In the event that two or more access channels are requested
by a municipality, the municipality shall demonstrate that its cable-
related needs require the provision of such additional access channels.
Any and all CATV companies operating in a municipality shall
provide interconnection to all other CATV companies on reasonable
terms and conditions, and the board shall adopt regulations for
procedures by which disputes between such CATV companies shall be
determined and expeditiously resolved. Each municipality or its non-
profit designee shall assume responsibility for the management,
operations and programming of the public, educational and
governmental access channels.

j. With regard only to applications for a system-wide franchise, a
commitment to install and retain or provide, without charge, one
service outlet activated for basic service to any and all fire stations,
public schools, police stations, public libraries, and other such
buildings used for municipal purposes.

k. With regard only to applications for a system-wide franchise, a
commitment to provide free Internet service, without charge, through
one service outlet activated for basic service to any and all fire
stations, public schools, police stations, public libraries, and other such
buildings used for municipal purposes.

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

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

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

o. If the

With regard to an application by a CATV company
that provides Internet service in this State, a commitment to provide
Internet service that shall include:

(1) public disclosure to customers located in this State of accurate
information regarding the network management practices and
performance, and commercial terms of its Internet service;
(2) the prohibition of paid prioritization; and
(3) the grant of permission to customers located in this State to:
(a) access all lawful Internet content, applications, and services,
and to use non-harmful Internet-enabled devices, without
discrimination, subject to reasonable network management; and
(b) 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.
(4) As used in this subsection: “paid prioritization” means the
management of a CATV company’s Internet network to directly or
indirectly favor some data traffic over other data 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.
(cf: P.L.2006, c.83, s.23)

2. This act shall take effect immediately.