



General Assembly

February Session, 2018

Committee Bill No. 2

LCO No. 1844



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:
(ET)

AN ACT CONCERNING INTERNET SERVICE PROVIDERS AND NET NEUTRALITY PRINCIPLES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2019*) (a) As used in this
2 section:

3 (1) "Broadband Internet access service" means a mass-market retail
4 service by wire or radio that provides the capability to transmit data to
5 and receive data from all or substantially all Internet endpoints,
6 including any capability that is incidental to and enables the operation
7 of the service, but excluding dial-up Internet access service;

8 (2) "Content, applications and services" means all traffic transmitted
9 to or from end users of a broadband Internet access service;

10 (3) "Edge provider" means any person or entity that provides (A)
11 any content, application or service over the Internet, or (B) a device
12 used for accessing any content, application or service over the Internet;

13 (4) "End user" means any person or entity that uses a broadband
14 Internet access service;

15 (5) "Fixed broadband Internet access service" means a broadband
16 Internet access service that services end users primarily at fixed
17 endpoints using stationary equipment, including fixed wireless
18 services, fixed unlicensed wireless services and fixed satellite services;

19 (6) "Mobile broadband Internet access service" means a broadband
20 Internet access service that serves end users primarily using mobile
21 stations;

22 (7) "Net neutrality principles" means the provisions described in
23 subsections (d) to (g), inclusive, of this section;

24 (8) "Paid prioritization" means the management of a broadband
25 Internet access service provider's network to directly or indirectly
26 favor some traffic over other traffic, including through use of
27 techniques such as traffic shaping, prioritization, resource reservation
28 or other forms of preferential traffic management either (A) in
29 exchange for monetary or other consideration from a third party, or (B)
30 to benefit an affiliated entity;

31 (9) "Authority" means the Public Utilities Regulatory Authority; and

32 (10) "Reasonable network management" means a network
33 management practice that has a primarily technical network
34 management justification, but does not include other business
35 practices, provided a network management practice is reasonable if it
36 is primarily used for and tailored to achieving a legitimate network
37 management purpose, as determined by the authority, taking into
38 account the particular network architecture and technology of the
39 broadband Internet access service.

40 (b) A person or entity engaged in the provision of fixed or mobile
41 broadband Internet access services within the state shall register with
42 the authority, in a manner prescribed by the authority. Beginning with
43 January 1, 2019, and on or before each January first thereafter, each
44 registered person or entity shall pay an annual registration fee to the

45 authority in the amount of five thousand dollars.

46 (c) A person or entity engaged in the provision of fixed or mobile
47 broadband Internet access services within the state shall publicly
48 disclose accurate information regarding the network management
49 practices, performance and commercial terms of its broadband Internet
50 access services sufficient, as determined by the authority, for end users
51 of such services to fully and accurately ascertain if the service is in
52 compliance with this section.

53 (d) A person or entity engaged in the provision of fixed or mobile
54 broadband Internet access services within the state shall not block
55 lawful content, applications, services, as determined by the authority,
56 or nonharmful devices, as determined by the authority, subject to
57 reasonable network management.

58 (e) A person or entity engaged in the provision of fixed or mobile
59 broadband Internet access services within the state shall not impair or
60 degrade lawful Internet traffic on the basis of Internet content,
61 application or service, or use of a nonharmful device, subject to
62 reasonable network management.

63 (f) A person or entity engaged in the provision of fixed or mobile
64 broadband Internet access services within the state shall not engage in
65 paid prioritization.

66 (g) Any person or entity engaged in the provision of fixed or mobile
67 broadband Internet access services within the state shall not interfere
68 with or disadvantage (1) end users' ability to select, access and use
69 broadband Internet access service or lawful Internet content,
70 applications or services, or devices of such end users' choice, or (2)
71 edge providers' ability to make lawful content, applications, services or
72 devices available to end users, provided such person or entity may
73 engage in reasonable network management.

74 (h) The authority shall receive and record complaints of any end

75 user of broadband Internet access service within the state. Upon
76 receipt of such complaints, the authority may, in its discretion, review
77 the performance of a person or entity engaged in the provision of fixed
78 or mobile broadband Internet access service. The authority, upon a
79 finding that any such person or entity failed to comply with the net
80 neutrality principles described in this section, shall make orders, after
81 a hearing that is conducted as a contested case in accordance with
82 chapter 54 of the general statutes, to enforce the provisions of this
83 section and may levy civil penalties against such person or entity,
84 pursuant to section 16-41 of the general statutes, for noncompliance.

85 (i) Nothing in this section shall be considered to supersede or limit
86 any obligation or authorization a person or entity engaged in the
87 provision of fixed or mobile broadband Internet access services may
88 have to address the needs of emergency communications, law
89 enforcement, public safety or national security authorities, consistent
90 with or as permitted by applicable law. Nothing in this section shall be
91 construed to prohibit reasonable efforts by a person or entity engaged
92 in the provision of fixed or mobile broadband Internet access services
93 to address copyright infringement or other unlawful activity.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2019	New section

Statement of Purpose:

To require Internet service providers to register and pay registration fees and require the Public Utilities Regulatory Authority to apply net neutrality principles to Internet service providers and enforce such principles with civil penalties.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. DUFF, 25th Dist.; REP. ORANGE, 48th Dist.
REP. GENTILE, 104th Dist.; REP. CONLEY, 40th Dist.

REP. SLAP, 19th Dist.; SEN. BYE, 5th Dist.
REP. WINKLER, 56th Dist.

S.B. 2