



General Assembly

February Session, 2020

Committee Bill No. 5

LCO No. 1670



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, 2021*) (a) For the purposes of 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) any
11 content, application or service over the Internet, or (B) a device used for
12 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 favor
26 some traffic over other traffic, including through use of techniques such
27 as traffic shaping, prioritization, resource reservation or other forms of
28 preferential traffic management either (A) in exchange for monetary or
29 other consideration from a third party, or (B) to benefit an affiliated
30 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 practices,
35 provided a network management practice is reasonable if it is primarily
36 used for and tailored to achieving a legitimate network management
37 purpose, as determined by the authority, taking into account the
38 particular network architecture and technology of the broadband
39 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, 2021, 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, or
56 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 an (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) edge
71 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 user

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

94 Sec. 2. (NEW) (*Effective October 1, 2020*) (a) For the purposes of this
95 section:

96 (1) "Browsing history" means information that shows a consumer
97 accessed a specific web site;

98 (2) "Consumer" means an Internet service account holder, such
99 account holder's immediate family and any other person such account
100 holder permits to access the Internet through use of such account
101 holder's account;

102 (3) "Express and affirmative permission" means permission that (A)
103 is explicitly solicited in writing or by electronic means separate from any
104 other terms of service or items of consent, (B) is clear and succinct, (C)
105 clearly identifies any person to whom an Internet service provider will

106 transfer personally identifying information, (D) outlines the scope of the
107 personally identifying information to be transferred, (E) includes a
108 warning that after the grant of such permission, state law cannot
109 guarantee that the person who receives such personally identifying
110 information will not transfer that information to a third party or
111 otherwise publicize such personally identifying information, (F) is
112 sought by an Internet service provider for each person to whom it seeks
113 to transfer such personally identifying information, and (G) expires not
114 later than one year after such permission is granted;

115 (4) "Internet service provider" means a company that provides
116 consumers with connectivity to the Internet and operates in the state,
117 including any such company that sells Internet service in the state; and

118 (5) "Personally identifying information" means the following
119 information relating to a consumer using an Internet service provider to
120 connect to the Internet: (A) Such consumer's name, address, Social
121 Security number, geographic location or browsing history, (B) the
122 Internet protocol address associated with an electronic device that
123 belongs to such consumer, (C) the content of such consumer's
124 communications with anyone other than the Internet service provider,
125 and (D) any information about such consumer's spouse, children, health
126 or finances.

127 (b) An Internet service provider may not sell or transfer a consumer's
128 personally identifying information to a person without such consumer's
129 express and affirmative permission.

130 (c) An Internet service provider may not send or display to a
131 consumer an advertisement that has been selected to be sent or
132 displayed because of such consumer's browsing history without such
133 consumer's express and affirmative permission.

134 (d) An Internet service provider may not refuse to provide its services
135 to a consumer because of such consumer's refusal to provide express
136 and affirmative permission to the Internet service provider pursuant to

137 subsections (b) and (c) of this section.

138 (e) The Public Utilities Regulatory Authority shall receive and record
139 complaints of any Internet service provider. Upon receipt of such
140 complaints, the authority may, in its discretion, review the performance
141 of the Internet service provider engaged in, without a consumer's
142 express and affirmative permission, the (1) sale or transfer of such
143 consumer's personally identifying information, (2) transmission or
144 display of an advertisement that was selected for transmission or
145 display because of such consumer's browsing history, or (3) refusal to
146 provide its services because of such consumer's refusal to provide
147 express and affirmative permission. The authority, upon a finding that
148 any such Internet service provider failed to comply with the provisions
149 described in this section, shall make orders, after a hearing that is
150 conducted as a contested case in accordance with chapter 54 of the
151 general statutes, to enforce the provisions of this section and may levy
152 civil penalties against such Internet service provider, pursuant to section
153 16-41 of the general statutes, for noncompliance.

154 (f) This section shall not apply to an Internet service provider that
155 transmits a consumer's personally identifying information (1) in
156 response to a subpoena, summons, warrant or court order that appears
157 on its face to be issued in accordance with lawful authority, or (2) to the
158 consumer to whom such personally identifying information pertains.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2021</i>	New section
Sec. 2	<i>October 1, 2020</i>	New section

Statement of Purpose:

To require Internet service providers to register and pay registration fees and to 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.]

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