



ATTORNEY GENERAL WILLIAM TONG
STATE OF CONNECTICUT

TESTIMONY on HB 6442, SB 4, SB 990 and SB 992

Chairman Arconti, Ranking Member Ferraro, Chairman Needleman, Ranking Member Formica, and distinguished members of the Energy and Technology Committee, thank you for the opportunity to submit testimony on the following bills:

- HB 6442 An Act Concerning Equitable Access to Broadband
- SB 4 An Act Concerning Data Privacy, Net Neutrality, Cyber Security and Fairness in Data Usage in the New Age of a Digital Workforce
- SB 990 An Act Preventing New Data Caps During COVID-19
- SB 992 An Act Concerning Utility Company Text Message Communications

The work of our Office touches on these issues and we hope our testimony will assist the Committee in evaluating the nuances of the bills before you today.

HB 6442 An Act Concerning Equitable Access to Broadband

We are supportive of the Governor's efforts to increase access to broadband internet throughout the state. This bill would empower PURA with reasonable oversight of broadband facilities and permit the Office of the Consumer Counsel to represent consumers before PURA. It would require consumer disclosures and notifications, thus enhancing consumer protections. Additionally, HB 6442 would establish nondiscrimination principles for broadband service providers, thus furthering the state's goal of increasing equity. Internet access has become an essential tool for all and the creation of an avenue to address areas of need going forward is an important step.

With respect to the topic of preemption, which we anticipate being a significant point of your discussion today, we think it important to emphasize that there is no field, or blanket, preemption here. It is well established law that states can regulate *intrastate* communication. The issue of conflict preemption on this topic requires an intensive, fact-by-fact analysis, that would be state specific.

SB 4 An Act Concerning Data Privacy, Net Neutrality, Cyber Security and Fairness in Data Usage in the New Age of a Digital Workforce

This wide-ranging bill would permit PURA to apply net neutrality principles to broadband providers and enforce such principles with civil penalties. It would also require broadband providers to include an explanation of each charge appearing on a customer's bill, including all usage fees associated with such customer's data cap.



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Of particular interest to our Office is the requirement that PURA study cybersecurity issues and the state's data privacy laws. As the primary enforcement agency in the state on privacy and data breach issues, we encourage the focus on these emerging issues in order to make the most informed recommendations possible, particularly as heightened enforcement is contemplated.

SB 990 An Act Preventing New Data Caps During COVID-19

Our Office has been an outspoken critic of the imposition of data caps during this pandemic. As work and school have shifted online, the needs of families to access the internet have made the internet an essential part of our lives. We have also seen a shift to remote work and schooling that is likely to extend into the future when the need arises.

This bill would prevent a broadband internet access service provider from imposing new data caps during the pendency of a public health emergency declared by the Governor related to COVID-19. We support this concept and would urge the Committee to consider extending it to *any* statewide declared emergency where employers and schools find it necessary to switch to remote work and school. (Note, this would not include remote work or school decisions made on factors not related to a statewide emergency declaration, such as snow days or convenience.)

SB 992 An Act Concerning Utility Company Text Message Communications

This bill would require that when utilities send any form of written communication to a customer, they must also send the communication by text message to the customer's most recent phone number on file. This would include a text message, in addition to a letter, prior to a utility shut-off.

While we support the underlying goal of ensuring clear and consistent communication with customers, we are very concerned that requiring the utilities to send text messages could lead to massive texting and robocall fraud. On a regular basis, we have to issue consumer alerts due to utility-based scams. Given our frontline experience with fielding consumer complaints on this topic, we urge you to reject this proposal. Finally, it is our understanding that utility customers who would like to receive outage alert text messages already have the ability to opt-in to this method of communication.

Thank you once again for the opportunity to submit testimony on these bills and please do not hesitate to contact me if you have any questions or concerns.