

2018 -- S 2008 SUBSTITUTE A

LC003243/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - INTERNET SERVICE PROVIDERS
- NET NEUTRALITY

Introduced By: Senators DiPalma, Pearson, Calkin, Goldin, and Miller

Date Introduced: January 11, 2018

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 39-19 of the General Laws entitled "Community
2 Antenna Television Systems" is hereby amended to read as follows:

3 ~~CHAPTER 39-19~~

4 ~~Community Antenna Television Systems~~

5 CHAPTER 39-19

6 COMMUNITY ANTENNA TELEVISION SYSTEMS AND INTERNET SERVICE

7 PROVIDERS

8 SECTION 2. Chapter 39-19 of the General Laws entitled "Community Antenna
9 Television Systems and Internet Service Providers" is hereby amended by adding thereto the
10 following sections:

11 **39-19-10.2. Definitions.**

12 As used in this chapter:

13 (1) "Broadband internet access service" means a mass-market retail service by wire or
14 radio that provides the capability to transmit data to and receive data from all or substantially all
15 Internet endpoints, including any capabilities that are incidental to and enable the operation of the
16 communications service, but excluding dialup Internet service. This term also encompasses any
17 service that the FCC finds to be providing a functional equivalent of the service described in the
18 previous sentence, or that is used to evade the protections set forth in this chapter.

1 (2) "Edge provider" means any individual or entity that provides any content, application
2 or service over the Internet, and any individual or entity that provides a device used for accessing
3 any content application or service over the Internet.

4 (3) "Future contracts" means contracts awarded or renewed by any state agency on or
5 after July 1, 2018.

6 (4) "Paid prioritization" means the management of a broadband Internet access service
7 provider's network to directly or indirectly favor some traffic over other traffic, including through
8 use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of
9 preferential traffic management, either:

10 (i) In exchange for consideration (monetary or otherwise) from a third party; or

11 (ii) To benefit an affiliated entity. Paid prioritization does not include the provision of
12 tiered Internet access service or offerings to a retail end user.

13 (5) "State agency" means any department in the executive branch of state government and
14 any agency, authority, board, bureau, commission, division, institution, office, or other
15 instrumentality within or created by any such department, and any independent state authority,
16 commission, instrumentality, or agency over which the governor exercises executive authority.

17 **39-19-10.3. Internet service neutrality.**

18 The division of purchases within the department of administration (DOA), and all other
19 contracting units or officials of any state agency, shall require that all future contracts for fixed or
20 mobile broadband Internet access services be awarded only to service providers that adhere to
21 "net neutrality principles" established in § 39-19-10.4.

22 **39-19-10.4 Internet service neutrality.**

23 (a) For purposes of this section, adherence to "net neutrality principles" means that a
24 service provider shall not, with respect to any consumer in the state (including the state itself):

25 (1) Block lawful content, applications, services, or nonharmful devices, subject to
26 reasonable network management that is disclosed to the consumer;

27 (2) Throttle, impair, or degrade lawful Internet traffic based on Internet content,
28 application, or service, or use of a nonharmful device, subject to reasonable network management
29 that is disclosed to the consumer;

30 (3) Engage in paid prioritization unless the state waives the ban as to particular purchased
31 or funded Internet access services if the state determines that the practice is in the public interest,
32 promotes public safety, or is otherwise not inconsistent with the purpose of this chapter; or

33 (4) Unreasonably interfere with or unreasonably disadvantage either:

34 (i) A customer's ability to select, access, and use broadband Internet access service or the

1 lawful Internet content, applications, services, or devices of their choice; or

2 (ii) An edge provider's ability to make lawful content, applications, services, or devices
3 available to a customer, subject to reasonable network management that is disclosed to its
4 customers.

5 **39-19-10.5. Implementation.**

6 (a) As soon as practicable, the division of purchases, with input from the division of
7 public utilities commission (DPUC), the emergency management administration (EMA), and the
8 division of information technology (DOIT), shall amend the state's procurement rules and
9 regulations as necessary and appropriate to comply with this directive, and issue such policies and
10 other guidance, and take such other steps as are determined to be necessary and appropriate, to
11 ensure that §§ 39-19-10.3 and 39-19-10.4 are appropriately implemented and enforced.

12 (b) Waivers to these procedures may be granted by the director of the department of
13 administration only upon receipt of a written justification from a state agency and a finding by the
14 director that a waiver would serve a legitimate and significant interest of the state. The DPUC
15 shall resolve any dispute over the definition of terminology used in this chapter.

16 (c) Each state agency that procures Internet, data and telecommunications services shall
17 cooperate with the division of purchases and the DPUC in implementing this chapter.

18 (d) The DPUC, in consultation with the DOIT, shall evaluate and advise the governor on
19 potential actions to promote net neutrality to protect Rhode Islanders' access to a free and open
20 Internet.

21 (e) Nothing in this chapter shall:

22 (1) Supersede any obligation or authorization a provider of fixed or mobile broadband
23 Internet access service may have to address the needs of emergency communications or law
24 enforcement, public safety, or national security authorities, consistent with or as permitted by
25 applicable law, or limit the provider's ability to do so; or

26 (2) Prohibit reasonable efforts by a provider of broadband Internet access service to
27 address copyright infringement or other unlawful activity; or

28 (3) Be construed to supersede any federal, state or local law.

29 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - INTERNET SERVICE PROVIDERS
- NET NEUTRALITY

- 1 This act would require Internet service providers to follow Internet service neutrality
- 2 requirements.
- 3 This act would take effect upon passage.

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