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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" is hereby amended by adding thereto the following sections:

10 **39-19-10.2. Internet service neutrality requirements in certain procurement**
11 **contracts.**

12 Notwithstanding any other provision of law to the contrary, where a contract that includes
13 Internet connection services is to be awarded by a state agency, public authority or municipality
14 pursuant to a competitive bidding process or a request for proposal process, such competitive
15 bidding process or request for proposal and the subsequent awarded contract shall require that
16 such Internet connection services are compliant with the Internet service neutrality requirements
17 established in §39-19-10.3.

18 **39-19-10.3. Internet service neutrality.**

1 (a) For purposes of this section:

2 (1) "Internet service provider" means any person, business or organization qualified to
3 do business in this state, including municipal broadband providers that provides individuals,
4 corporations, or other entities with the ability to connect to the Internet.

5 (b) The division of public utilities and carriers shall certify annually that any Internet
6 service provider qualified to do business in this state, does not:

7 (1) Block lawful content, applications, services, or non-harmful devices, subject to
8 reasonable network management;

9 (2) Impair or degrade lawful Internet traffic on the basis of Internet content, application,
10 or service, or use of a non-harmful device, subject to reasonable network management; or

11 (3) Engage in paid prioritization, including, but not limited to, traffic shaping,
12 prioritization, resource reservation, or other forms of preferential traffic management, either:

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

14 (ii) To benefit an affiliated entity.

15 (2) "Reasonable network management" means a network management practice that has a
16 primarily technical network management justification, but does not include other business
17 practices. A network practice is reasonable if it is primarily used for and tailored to achieving a
18 legitimate network management purpose, taking into account the particular network architecture
19 and technology of the broadband Internet access service.

20 SECTION 3. Section 39-19-6 of the General Laws in Chapter 39-19 entitled "Community
21 Antenna Television Systems" is hereby amended to read as follows:

22 **39-19-6. Jurisdiction of division.**

23 The division shall supervise and regulate every CATV company operating within this
24 state so far as may be necessary to prevent the operation from having detrimental consequences to
25 the public interest, and for this purpose may promulgate and enforce such reasonable rules and
26 regulations as it may deem necessary with reference to issuance of certificates, territory of
27 operation, abandonment of facilities, elimination of unjust discrimination among subscribers,
28 financial responsibility, and insurance covering personal injury and property damage, safety of
29 equipment and operation and filing of reports. No certificates shall be issued or remain valid
30 unless the applicant has filed with the division and revised to keep current a schedule of rates and
31 charges for its services. The rates and charges shall be reasonably compensatory so as not to
32 encourage unfair or destructive competitive practices and shall be applied without discrimination.
33 The cable television section of the division of public utilities and carriers shall take all necessary
34 steps to ensure that Rhode Island shall regulate the rates charged by cable television companies to

1 the full extent allowable under federal law, provided however, the division shall hold public
2 hearings and the cable television companies shall justify and explain at the hearings the necessity
3 for all rate increases of regulated rates. This section shall constitute authority to make any and all
4 certifications to the federal communications commission required under the Cable Television
5 Consumer Protection and Competition Act of 1992, Public Law 102-385. [The division shall also](#)
6 [supervise and regulate every Internet service provider operating within this state in regard to](#)
7 [Internet service neutrality requirements as set forth in this chapter.](#)

8 SECTION 4. 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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