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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- THE NET NEUTRALITY  
PROTECTION ACT OF 2018

Introduced By: Representatives Regunberg, O'Grady, Ruggiero, Ajello, and Filippi

Date Introduced: February 02, 2018

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 39 of the General Laws entitled "PUBLIC UTILITIES AND  
2 CARRIERS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 19.1

4 THE NET NEUTRALITY PROTECTION ACT OF 2018

5 **39-19.1-1. Purpose.**

6 In the course of its regular obligations, a state or municipality may be involved in the  
7 purchase and/or funding of broadband Internet access services.

8 Specifically, the state or municipality may purchase Internet access services as the direct  
9 end user of those services, such as when it purchases them for use by government employees at a  
10 state or municipal agency. The state or municipality may also purchase Internet access services  
11 for the benefit of nongovernmental end users, such as through the provision of public Wi-Fi  
12 access or Internet access services at a public school or library. Finally, the state or municipality  
13 may provide grant funds to a public-benefit entity, such as a local nonprofit, so it may purchase  
14 Internet access services for its own employees and/or clients. In each instance, a state or  
15 municipality's objectives as the direct purchaser or funder of such Internet access services cannot  
16 be achieved where those access services are provided in a biased manner; to wit, the Internet  
17 access service provider may unilaterally decide to favor certain Internet content over other  
18 content. Such content discrimination risks impeding the end users of the state or municipality

1 purchased or funded Internet access services from receiving full, fair, accurate, and equal access  
2 to all Internet content, from which they can arrive at independent decisions as to what information  
3 they favor.

4 Internet access services that fail to provide unbiased access to the Internet, through a  
5 commitment to the net neutrality principals detailed below, fall far short of satisfying the state or  
6 municipality's interests in purchasing or funding such services.

7 The purpose of this chapter is to ensure that any Internet access services purchased or  
8 funded by the state or municipality are provided in an unbiased manner, consistent with net  
9 neutrality principles, so as to meet the state or municipality's minimum standards as the purchaser  
10 or funder of such services.

11 **39-19.1-2. Definitions.**

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

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20  
21 (2)“Content, applications, and services" shall mean all traffic transmitted to or from end  
22 users of a broadband Internet access service, including traffic that may not fit clearly into any of  
23 these categories.

24 (3) “Edge provider” shall mean any person or entity that provides any content,  
25 application, or service over the Internet, and any person or entity that provides a device used for  
26 accessing any content, application, or service over the Internet.

27 (4) “End user” shall mean any person or entity that uses a broadband Internet access  
28 service.

29 (5) “Fixed broadband Internet access service” shall mean a broadband Internet access  
30 service that serves end users primarily at fixed endpoints using stationary equipment. Fixed  
31 broadband Internet access service includes fixed wireless services (including fixed unlicensed  
32 wireless services), and fixed satellite services.

33 (6) “Mobile broadband Internet access service” shall mean a broadband Internet access  
34 service that serves end users primarily using mobile stations.

1 (7) "Paid prioritization" shall mean the management of a broadband Internet access  
2 service provider's network to directly or indirectly favor some traffic over other traffic, including  
3 through use of techniques such as traffic shaping, prioritization, resource reservation, or other  
4 forms of preferential traffic management, either (i) in exchange for consideration (monetary or  
5 otherwise) from a third party, or (ii) to benefit an affiliated entity.

6 (8) "Reasonable network management" shall mean a network management practice is a  
7 practice that has a primarily technical network management justification, but does not include  
8 other business practices. A network management practice is reasonable if it is primarily used for  
9 and tailored to achieving a legitimate network management purpose, taking into account the  
10 particular network architecture and technology of the broadband Internet access

11 **39-19.1-3. Prohibition on purchasing or funding biased broadband Internet access**  
12 **services.**

13 Except as otherwise prohibited by law, neither the state or a municipality, nor any agency  
14 or subdivisions thereof, shall:

15 (1) Purchase any fixed or mobile broadband Internet access services that are not in full  
16 compliance with the provisions of this chapter; or

17 (2) Provide funding for the purchase of any fixed or mobile broadband Internet access  
18 services that are not in full compliance with the provisions of this chapter.

19 **39-19.1-4. Transparency.**

20 A person or entity engaged in the provision of fixed or mobile broadband Internet access  
21 services purchased or funded by the state or a municipality shall publicly disclose accurate  
22 information regarding the network management practices, performance, and commercial terms of  
23 its broadband Internet access services sufficient for end users of those purchased or funded  
24 services, including the state or a municipality, to fully and accurately ascertain if the service is in  
25 compliance with the provisions of this chapter.

26 **39-19.1-5. No blocking.**

27 A person or entity engaged in the provision of fixed or mobile broadband Internet access  
28 services purchased or funded by the state or municipality, insofar as such person or entity is so  
29 engaged, shall not block lawful content, applications, services, or non-harmful devices, subject to  
30 reasonable network management.

31 **39-19.1-6. No throttling.**

32 A person or entity engaged in the provision of fixed or mobile broadband Internet access  
33 services purchased or funded by the state or municipality, insofar as such person or entity is so  
34 engaged, shall not impair or degrade lawful Internet traffic on the basis of Internet content,

1 application, or service, or use of a non-harmful device, subject to reasonable network  
2 management.

3 **39-19.1-7. No paid prioritization.**

4 A person or entity engaged in the provision of fixed or mobile broadband Internet access  
5 services purchased or funded by the state or municipality, insofar as such person or entity is so  
6 engaged, shall not engage in paid prioritization. The state or municipality may waive the ban on  
7 paid prioritization as to a particular purchased or funded Internet access services only if the  
8 petitioner demonstrates that the practice would provide some significant public interest benefit  
9 and would not harm the open nature of the provided Internet access services.

10 **39-19.1-8. Unreasonable interference of unreasonable discrimination.**

11 Any person or entity engaged in the provision of fixed or mobile broadband Internet  
12 access services purchased or funded by the state or municipality, insofar as such person or entity  
13 is so engaged, shall not unreasonably interfere with or unreasonably disadvantage end users'  
14 ability to select, access, and use broadband Internet access service or the lawful Internet content,  
15 applications, services, or devices of their choice, or edge providers' ability to make lawful  
16 content, applications, services, or devices available to end users. Reasonable network  
17 management shall not be considered a violation of this rule.

18 **39-19.1-9. Other laws and considerations.**

19 Nothing in this chapter supersedes any obligation or authorization a provider of fixed or  
20 mobile broadband Internet access service may have to address the needs of emergency  
21 communications or law enforcement, public safety, or national security authorities, consistent  
22 with or as permitted by applicable law, or limits the provider's ability to do so. Nothing in this  
23 chapter prohibits reasonable efforts by a fixed or mobile provider of broadband Internet access  
24 service to address copyright infringement or other unlawful activity.

25 **39-19.1-10. Monopoly exception.**

26 Notwithstanding the provisions of this chapter, it shall not be a violation of this chapter  
27 for the state or municipality, or an agency or subdivisions thereof, to purchase or fund fixed  
28 broadband Internet access services in a geographic location where such services are only  
29 available from a single broadband Internet access service provider.

30 **39-19.1-11. Severability.**

31 The provisions in this chapter are severable. If any part or provision of this chapter, or the  
32 application of this chapter to any person or circumstance, is held invalid, the remainder of this  
33 chapter, including the application of such part or provisions to other persons or circumstances,  
34 shall not be affected by such holding and shall continue to have force and effect.

1 SECTION 2. 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 -- THE NET NEUTRALITY  
PROTECTION ACT OF 2018

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1           This act would establish the Net Neutrality Protection Act of 2018, prohibiting  
2 unreasonable interference with or unreasonably disadvantaging end users' ability to select, access,  
3 and use broadband Internet access service or the lawful Internet content, applications, services, or  
4 devices of their choice, or edge providers' ability to make lawful content, applications, services,  
5 or devices available to end users.

6           This act would take effect upon passage.

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