STATE OF NEW YORK

7183--A

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law and the state finance law, in relation to instituting internet service neutrality

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The article heading of article 11 of the public service law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

PROVISIONS RELATING TO CABLE TELEVISION AND INTERNET SERVICE COMPANIES

§ 2. Section 212 of the public service law is amended by adding a new subdivision 15 to read as follows:

15. "Internet service provider" shall mean any person, business or organization qualified to do business in this state, including municipal broadband providers, that provides individuals, corporations, or other entities with the ability to connect to the internet.

§ 3. The section heading of section 215 of the public service law, as added by chapter 83 of the laws of 1995, is amended and a new subdivision 14 is added to read as follows:

Duties of the commission in respect to cable television and internet service companies.

14. Develop and maintain a statewide plan for the monitoring of internet service providers, including the annual certification that internet service providers comply with the internet service neutrality requirements established in section two hundred thirty-one of this article.

§ 4. The state finance law is amended by adding a new section 148 to read as follows:

§ 148. Internet service neutrality requirements in certain procurement contracts. Notwithstanding any other provision of law to the contrary, where a contract that includes internet connection services is to be

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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awarded by a state agency, public authority, public library or municipal corporation as defined in subdivision two of section sixty-six of the general construction law pursuant to a competitive bidding process or a request for proposal process, such competitive bidding process or request for proposal and the subsequent awarded contract shall require that such internet connection services are compliant with the internet service neutrality requirements established in section two hundred thirty-one of the public service law.

§ 5. The public service law is amended by adding a new section 231 to read as follows:

§ 231. Internet service neutrality. 1. For purposes of this section, "reasonable network management" shall mean a network management practice is a practice that has a primarily technical network management justification, but does not include other business practices. A network management practice is reasonable if it is primarily used for and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of the broadband internet access service.

2. The commission shall certify annually that any internet service provider qualified to do business in this state, does not:

(a) block lawful content, applications, services, or non-harmful devices, subject to reasonable network management.

(b) impair or degrade lawful internet traffic on the basis of internet content, application, or service, or use of a non-harmful device, subject to reasonable network management.

(c) engage in paid prioritization, including, but not limited to, traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management, either (i) in exchange for consideration (monetary or otherwise) from a third party, or (ii) to benefit an affiliated entity.

§ 6. This act shall take effect on the thirtieth day after it shall have become a law.