

RESOLUTION OF THE CITY COUNCIL

No. 95

Approved February 21, 2018

WHEREAS, On January 10, 2018, Rhode Island Senator Louis DiPalma (D) and Rhode Island Representative Brian Kennedy (D) introduced SB 2008 and HB 7076, and on February 1, 2018, Rhode Island Representative Aaron Regunberg (D) introduced HB 7422; and

WHEREAS, Passage of these bills would amend Rhode Island General Laws to require internet access purchased or funded by the state be provided in an unbiased manner, consistent with Internet service neutrality requirements; and

WHEREAS, Introduction of this legislation comes in response to the Federal Communications Commission's (FCC) December 14, 2017 repeal of net neutrality regulations; and

WHEREAS, Net neutrality regulations prevent internet service providers (ISPs) from blocking lawful content, application, services, or non-harmful devices, as well as not allowing ISPs to prioritize and shape internet traffic to certain services in exchange for compensation (monetary or otherwise); and

WHEREAS, The repeal of these regulations allows ISPs greater flexibility in pricing internet access, potentially controlling consumers' access to information; and

WHEREAS, Without these regulations, ISPs would also have greater ability to prioritize their own content over other competitor's content; and

WHEREAS, Additionally, ISPs could charge for access to higher speeds, causing costs to rise for consumers and putting many small and new businesses at a disadvantage compared to larger and more established companies; and

WHEREAS, Business leaders and companies expressed disappointment at the FCC's repeal of net neutrality regulations, such as Microsoft Chief Legal Officer Brad Smith, who wrote "The open internet benefits consumers, business & the entire economy. That's jeopardized by the FCC's elimination of [net neutrality] protections today"; and

WHEREAS, Net neutrality regulations ensure that there is an open and free internet for consumers and businesses alike, allowing for creativity, equitable access to information, and innovation; and

WHEREAS, The City Council has made a commitment to transparency and making information accessible to the public via the Internet through initiatives such as the City Meeting Portal and City Open Data website, which ensure equitable and open access to information for all members of the public; and

WHEREAS, As public servants and the elected representatives of the people of Providence, the City Council has an obligation to ensure consumers have equitable access to information on a free and open internet and an obligation to ensure that small businesses and startups are able to compete and grow alongside larger and more established companies.

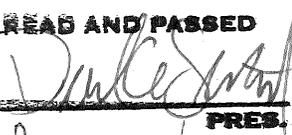
NOW, THEREFORE, BE IT RESOLVED, That the Providence City Council strongly supports Rhode Island House Bill 7422, House Bill 7076 and Senate Bill 2008 to preserve net neutrality regulations in the State of Rhode Island.

BE IT FURTHER RESOLVED, That, upon passage, copies of this resolution be sent to the Providence delegation of the Rhode Island General Assembly.

IN CITY COUNCIL

FEB 15 2018

READ AND PASSED



PRES.



CLERK

I HEREBY APPROVE.



Mayor

Date: 2/21/18

2018 -- S 2008

LC003243

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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LC003243
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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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LC003243
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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: Representatives Kennedy, Abney, Shekarchi, Serpa, and Marshall

Date Introduced: January 10, 2018

Referred To: House Corporations

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.

LC003299

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.

LC003299

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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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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.

LC003674

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO PUBLIC UTILITIES AND CARRIERS -- THE NET NEUTRALITY
PROTECTION ACT OF 2018

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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