



General Assembly

January Session, 2019

**Committee Bill No. 6**

LCO No. 3916



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:  
(ET)

**AN ACT CONCERNING NET NEUTRALITY PRINCIPLES AND  
INTERNET PRIVACY.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2020*) (a) As used in this  
2 section:

3 (1) "Broadband Internet access service" means a mass-market retail  
4 service by wire or radio that provides the capability to transmit data to  
5 and receive data from all or substantially all Internet endpoints,  
6 including any capability that is incidental to and enables the operation  
7 of the service, but excluding dial-up Internet access service;

8 (2) "Content, applications and services" means all traffic transmitted  
9 to or from end users of a broadband Internet access service;

10 (3) "Edge provider" means any person or entity that provides (A)  
11 any content, application or service over the Internet, or (B) a device  
12 used for accessing any content, application or service over the Internet;

13 (4) "End user" means any person or entity that uses a broadband  
14 Internet access service;

15 (5) "Fixed broadband Internet access service" means a broadband  
16 Internet access service that services end users primarily at fixed  
17 endpoints using stationary equipment, including fixed wireless  
18 services, fixed unlicensed wireless services and fixed satellite services;

19 (6) "Mobile broadband Internet access service" means a broadband  
20 Internet access service that serves end users primarily using mobile  
21 stations;

22 (7) "Net neutrality principles" means the provisions described in  
23 subsections (d) to (g), inclusive, of this section;

24 (8) "Paid prioritization" means the management of a broadband  
25 Internet access service provider's network to directly or indirectly  
26 favor some traffic over other traffic, including through use of  
27 techniques such as traffic shaping, prioritization, resource reservation  
28 or other forms of preferential traffic management either (A) in  
29 exchange for monetary or other consideration from a third party, or (B)  
30 to benefit an affiliated entity;

31 (9) "Authority" means the Public Utilities Regulatory Authority; and

32 (10) "Reasonable network management" means a network  
33 management practice that has a primarily technical network  
34 management justification, but does not include other business  
35 practices, provided a network management practice is reasonable if it  
36 is primarily used for and tailored to achieving a legitimate network  
37 management purpose, as determined by the authority, taking into  
38 account the particular network architecture and technology of the  
39 broadband Internet access service.

40 (b) A person or entity engaged in the provision of fixed or mobile  
41 broadband Internet access services within the state shall register with  
42 the authority, in a manner prescribed by the authority. Beginning with  
43 January 1, 2020, and on or before each January first thereafter, each  
44 registered person or entity shall pay an annual registration fee to the

45 authority in the amount of five thousand dollars.

46 (c) A person or entity engaged in the provision of fixed or mobile  
47 broadband Internet access services within the state shall publicly  
48 disclose accurate information regarding the network management  
49 practices, performance and commercial terms of its broadband Internet  
50 access services sufficient, as determined by the authority, for end users  
51 of such services to fully and accurately ascertain if the service is in  
52 compliance with this section.

53 (d) A person or entity engaged in the provision of fixed or mobile  
54 broadband Internet access services within the state shall not block  
55 lawful content, applications, services, as determined by the authority,  
56 or nonharmful devices, as determined by the authority, subject to  
57 reasonable network management.

58 (e) A person or entity engaged in the provision of fixed or mobile  
59 broadband Internet access services within the state shall not impair or  
60 degrade lawful Internet traffic on the basis of Internet content,  
61 application or service, or use of a nonharmful device, subject to  
62 reasonable network management.

63 (f) A person or entity engaged in the provision of fixed or mobile  
64 broadband Internet access services within the state shall not engage in  
65 paid prioritization.

66 (g) Any person or entity engaged in the provision of fixed or mobile  
67 broadband Internet access services within the state shall not interfere  
68 with or disadvantage (1) end users' ability to select, access and use  
69 broadband Internet access service or lawful Internet content,  
70 applications or services, or devices of such end users' choice, or (2)  
71 edge providers' ability to make lawful content, applications, services or  
72 devices available to end users, provided such person or entity may  
73 engage in reasonable network management.

74 (h) The authority shall receive and record complaints of any end

75 user of broadband Internet access service within the state. Upon  
76 receipt of such complaints, the authority may, in its discretion, review  
77 the performance of a person or entity engaged in the provision of fixed  
78 or mobile broadband Internet access service. The authority, upon a  
79 finding that any such person or entity failed to comply with the net  
80 neutrality principles described in this section, shall make orders, after  
81 a hearing that is conducted as a contested case in accordance with  
82 chapter 54 of the general statutes, to enforce the provisions of this  
83 section and may levy civil penalties against such person or entity,  
84 pursuant to section 16-41 of the general statutes, for noncompliance.

85 (i) Nothing in this section shall be considered to supersede or limit  
86 any obligation or authorization a person or entity engaged in the  
87 provision of fixed or mobile broadband Internet access services may  
88 have to address the needs of emergency communications, law  
89 enforcement, public safety or national security authorities, consistent  
90 with or as permitted by applicable law. Nothing in this section shall be  
91 construed to prohibit reasonable efforts by a person or entity engaged  
92 in the provision of fixed or mobile broadband Internet access services  
93 to address copyright infringement or other unlawful activity.

94 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) As used in this section:

95 (1) "Browsing history" means information that shows a consumer  
96 accessed a specific web site;

97 (2) "Consumer" means an Internet service account holder, such  
98 account holder's immediate family and any other person such account  
99 holder permits to access the Internet through use of such account  
100 holder's account;

101 (3) "Express and affirmative permission" means permission that (A)  
102 is explicitly solicited in writing or by electronic means separate from  
103 any other terms of service or items of consent, (B) is clear and succinct,  
104 (C) clearly identifies any person to whom an Internet service provider  
105 will transfer personally identifying information, (D) outlines the scope

106 of the personally identifying information to be transferred, (E) includes  
107 a warning that after the grant of such permission, state law cannot  
108 guarantee that the person who receives such personally identifying  
109 information will not transfer that information to a third party or  
110 otherwise publicize such personally identifying information, (F) is  
111 sought by an Internet service provider for each person to whom it  
112 seeks to transfer such personally identifying information, and (G)  
113 expires not later than one year after such permission is granted;

114 (4) "Internet service provider" means a company that provides  
115 consumers with connectivity to the Internet and operates in the state,  
116 including any such company that sells Internet service in the state; and

117 (5) "Personally identifying information" means the following  
118 information relating to a consumer using an Internet service provider  
119 to connect to the Internet: (A) Such consumer's name, address, Social  
120 Security number, geographic location or browsing history, (B) the  
121 Internet protocol address associated with an electronic device that  
122 belongs to such consumer, (C) the content of such consumer's  
123 communications with anyone other than the Internet service provider,  
124 and (D) any information about such consumer's spouse, children,  
125 health or finances.

126 (b) An Internet service provider may not sell or transfer a  
127 consumer's personally identifying information to a person without  
128 such consumer's express and affirmative permission.

129 (c) An Internet service provider may not send or display to a  
130 consumer an advertisement that has been selected to be sent or  
131 displayed because of such consumer's browsing history without such  
132 consumer's express and affirmative permission.

133 (d) An Internet service provider may not refuse to provide its  
134 services to a consumer because of such consumer's refusal to provide  
135 express and affirmative permission to the Internet service provider  
136 pursuant to subsections (b) and (c) of this section.

137 (e) This section shall not apply to an Internet service provider that  
138 transmits a consumer's personally identifying information (1) in  
139 response to a subpoena, summons, warrant or court order that appears  
140 on its face to be issued in accordance with lawful authority, or (2) to  
141 the consumer to whom such personally identifying information  
142 pertains.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2020</i>	New section
Sec. 2	<i>October 1, 2019</i>	New section

**Statement of Purpose:**

To require Internet service providers to register and pay registration fees, to require the Public Utilities Regulatory Authority to apply net neutrality principles to Internet service providers and enforce such principles with civil penalties and to prohibit Internet service providers from taking certain actions with respect to a consumer's personally identifying information.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. DUFF, 25th Dist.; REP. DATHAN, 142nd Dist.

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