HOUSE BILL NO. 277

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KAWASAKI, Parish, Tuck, Fansler, Drummond, Gara

Introduced: 1/16/18
Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to the regulation of broadband Internet; and making certain actions by broadband Internet service providers unlawful acts or practices under the Alaska Unfair Trade Practices and Consumer Protection Act."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 42.05 is amended by adding a new section to read:

Sec. 42.05.147. Internet neutrality. (a) A utility that provides broadband Internet access services in the state shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of the utility's broadband Internet access service in a manner sufficient for

(1) consumers to make informed choices regarding use of Internet services and for content, application, and service; and

(2) edge providers to develop, market, and maintain Internet offerings.

(b) A utility that provides broadband Internet access service in the state may not

(1) block lawful content, applications, services, or nonharmful devices, subject to reasonable network management;

(2) impair or degrade lawful Internet traffic based on Internet content, application, or service, or the use of a nonharmful device, subject to reasonable network management;

(3) in exchange for compensation or to benefit an affiliated entity, manage the utility's network to favor, directly or indirectly, certain Internet traffic over other Internet traffic, including the use of traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management;

(4) unreasonably interfere with or unreasonably disadvantage the ability of

(A) an end user to select, access, or use broadband Internet access service or lawful Internet content, applications, services, or devices of the end user's choice; or

(B) an edge provider to make lawful content, applications, services, or devices available to an end user.

(c) The commission may waive the prohibition in (b)(3) of this section if a utility demonstrates that the preferential traffic management would benefit the public interest and would not negatively affect the open nature of Internet in the state.

(d) In this section,

(1) "broadband Internet access service" means a

(A) mass-market retail service by wire or radio that provides the ability to transmit data to and from all or substantially all Internet endpoints, including a capability that is incidental to and enables the operation of the communications service, but excluding dial-up Internet access service; or

(B) service that the Federal Communications Commission determines provides a functional equivalent of the service described in (A) of this paragraph, or that is used to evade the protections under this section;

(2) "edge provider" means an individual or entity that provides

(A) content or an application or service over the Internet; or

(B) a device used to access content or an application or service over the Internet;

(3) "end user" means an individual or entity that uses a broadband Internet access service.

*** Sec. 2.** AS 45.50.471(b) is amended by adding a new paragraph to read:

(58) violating AS 42.05.147 (Internet neutrality).

*** Sec. 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) AS 42.05.147, added by sec. 1 of this Act, applies to a contract entered into after the effective date of this Act by a utility that provides broadband Internet access service.

(b) In this section,

(1) "broadband internet access service" has the meaning given in AS 42.05.147;

(2) "utility" has the meaning given in AS 42.05.990.