

SENATE BILL NO. 160

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY SENATORS BEGICH, Gardner, Wielechowski, Hughes, Costello, Wilson, Stevens

Introduced: 1/24/18

Referred: Labor and Commerce, State Affairs

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (c) The commission may waive the prohibition in (b)(3) of this section

18 (1) if a utility demonstrates that the preferential traffic management
19 would benefit the public interest and would not negatively affect the open nature of
20 Internet in the state;

21 (2) to favor Internet-based education; or

22 (3) to favor telemedicine services.

23 (d) In this section,

24 (1) "broadband Internet access service" means a

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

30 (B) service that the Federal Communications Commission
31 determines provides a functional equivalent of the service described in (A) of

1 this paragraph, or that is used to evade the protections under this section;

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

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

4 (B) a device used to access content or an application or service

5 over the Internet;

6 (3) "end user" means an individual or entity that uses a broadband

7 Internet access service.

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

9 (58) violating AS 42.05.147 (Internet neutrality).