

SENATE No. 52

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act removing barriers to internet regulation, competition and affordability.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>2/26/2021</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/26/2021</i>

SENATE No. 52

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 52) of Barry R. Finegold, Andres X. Vargas and Linda Dean Campbell for legislation to remove barriers to internet regulation, competition and affordability. Advanced Information Technology, the Internet and Cybersecurity.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act removing barriers to internet regulation, competition and affordability.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 6A of chapter 25C of the General Laws is hereby repealed.

2 SECTION 2. Chapter 25C of the General Laws is hereby amended by striking out section
3 8 and inserting in place thereof the following section:-

4 Section 8: Division of broadband (a) For purposes of this section, the following words
5 shall have the following meanings, unless the context clearly requires otherwise:-

6 “Broadband Internet Access Service” also known as “broadband”, means a mass-market
7 retail service by wire or radio provided to customers in Massachusetts that provides the
8 capability to transmit data to and receive data from all, or substantially all Internet endpoints,
9 including but not limited to, any capabilities that are incidental to and enable the operation of the
10 communications service, but excluding dial-up Internet access service. Broadband Internet
11 Access Service also encompasses any service provided to customers in Massachusetts that

12 provides a functional equivalent of that service or that is used to evade the protections set forth in
13 this act.

14 “Data cap or allowance”, means a limit on, or a fee-based structure with the purpose of
15 limiting, the number of bits a consumer may download or upload during a period of time
16 specified by an Internet Service Provider.

17 “Net neutrality” means the principle that internet service providers must treat all internet
18 communications equally and not discriminate or charge differently based on variables including,
19 but not limited to user, content, website platform, application, type of equipment, source address,
20 destination address or method of communication. It also includes the principle that internet
21 service providers may not intentionally block, slowdown or charge for specific online content.
22 Further, it includes the principle that internet service providers cannot prioritize certain types of
23 traffic, meter others, or potentially block traffic from specific services, while charging consumers
24 for various tiers of service.

25 (b) Notwithstanding any provision of general or special law to the contrary, there shall be
26 in the department and under the supervision and control of the commissioner a division of
27 broadband. The division, subject to such supervision and control, shall perform functions that the
28 commissioner may determine in relation to the administration, implementation, and enforcement
29 of the department's authority over the Broadband Internet Access Service industry.

30 (c) Notwithstanding any provision of general or special law to the contrary, the division,
31 subject to supervision and control of the commissioner, may perform functions and enforcements
32 over the Broadband Internet Access Service industry including, but not limited to: (a) rate

33 regulation; (b) net neutrality; (c) minimum broadband download and upload speed; and (d) data
34 caps and allowances.

35 SECTION 3. Notwithstanding any provision of general or special law to the contrary,
36 Section 2(c) of this act shall take effect when the state has the authority.