

HOUSE No. 3831

The Commonwealth of Massachusetts

PRESENTED BY:

David Henry Argosky LeBoeuf

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 to establish public internet service.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/17/2023</i>

HOUSE No. 3831

By Representative LeBoeuf of Worcester, a petition (accompanied by bill, House, No. 3831) of David Henry Argosky LeBoeuf for legislation to establish a Commonwealth internet service provider to be known as Commonwealth ISP. Advanced Information Technology, the Internet and Cybersecurity.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to establish public internet service.

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

1 Chapter 7D of the General Laws is hereby amended by adding the following 3 sections:-

2 Section 12. (a) The office shall solicit interest from local municipalities for the building
3 or expansion of community owned broadband infrastructure for broadband internet access.
4 Priority will be given by the office to communities in the commonwealth that do not received or
5 have underserved broadband internet access.

6 (b) A municipality that accepts the opportunity to build or expand community owned
7 broadband infrastructure shall work with the office, the department of telecommunications and
8 cable, established in section 1 of chapter 25C, and the Massachusetts Broadband Institute,
9 established in section 6B of chapter 40J, to draft plans to build and finance community owned
10 broadband network. A municipality shall commit to paying at least 50 per cent of the estimated

11 costs of the community owned broadband network within a timeframe decided by the office and
12 the municipality.

13 (c) The office shall establish a commonwealth internet service provider which shall be
14 known as Commonwealth ISP. The office shall work in collaboration with attorney general's
15 office and private internet service providers to allow the leasing of space on existing cables, so
16 that the Commonwealth ISP can provide retail service.

17 Section 13. All broadband service owned by a municipality or Commonwealth ISP shall
18 provide the following:

19 (a) strict anti-censorship rules and regulations;

20 (b) that all policies, procedures and user agreements for municipality and Commonwealth
21 ISP owned broadband service be made publicly available;

22 (c) that broadband service shall not block, slow or monitor traffic to any particular
23 websites, subject to carefully limited exceptions including reasonable network management;

24 (d) that any company contracting with a municipality or Commonwealth ISP for
25 broadband service shall comply and honor network neutrality principles;

26 (e) a method for any online user to request their data profile and receive a report of any
27 information that has been collected, stored or shared relating to their use of a municipality or
28 Commonwealth ISP broadband system; and

29 (f) an oversight and review process governing broadband service which ensures that all
30 rules and guidelines are followed and enforced.

31 Section 14. (1) In order to protect user information, all broadband service owned by a
32 municipality or Commonwealth ISP shall take, but not be limited to, the following steps:

33 (a) not collect, use, disclose or retain internet data through the use of a device, web
34 browsing, location information or any other internet usage beyond what is necessary to provide,
35 maintain and secure the service;

36 (b) monitor data information used to administer access, de-identify that data whenever
37 possible and do not retain data information when it is no longer needed for service;

38 (c) provide public notice, made available in translations and in forms that users with
39 disabilities can access, about when a municipality or Commonwealth ISP owned broadband
40 service collects, retains or shares any data information, and the length of the data's retention
41 periods;

42 (d) not share data information with 3rd parties, except like contractors who are necessary
43 to provide broadband service, or with opt-in consent of users;

44 (e) not require users to identify themselves in order to gain access to public wifi services
45 provided by a municipality or Commonwealth ISP owned broadband service;

46 (f) enact reasonable security measures through policies and procedures to protect user's
47 data information;

48 (g) ensure a municipality or Commonwealth ISP owned broadband service meet
49 standards for security and encryption that are on a par with broadband industry service standards;

50 (h) promptly notify users in case of any breach of data information;

51 (i) review privacy policies and practices of all partners, including private-sector partners,
52 to ensure they comply with rules in this section;

53 (j) provide a clear oversight and review process governing the municipality or
54 Commonwealth ISP broadband service, to ensure all rules and guidelines are followed and
55 enforced. This should include a public ombudsman or other meaningful; and

56 (k) enact a process available to all users of a municipality or Commonwealth ISP
57 broadband service to file a complaint which shall be made public for viewing purposes.

58 (2) When a municipality or Commonwealth ISP broadband service enters into a contract
59 or partners with a private party, the contract shall impose penalties for contractors who violate
60 user's privacy or other protections to user's data information.

61 (3) Data information from a municipality or Commonwealth ISP broadband service user
62 shall not be provided to law enforcement without a warrant. If a user's data information is
63 requested by law enforcement or any other government agency the municipality or
64 Commonwealth ISP shall: (i) notify the user of the request of data information; and (ii) notify the
65 user of the name of the organization requesting the user's data information.