
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 544 Session of
2019

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PASHINSKI, BIZZARRO, READSHAW, HOWARD AND SHUSTERMAN,
FEBRUARY 19, 2019

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 19, 2019

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in general provisions, further
3 providing for definitions; and providing for Internet
4 neutrality.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Paragraph (1) of the definition of "public
8 utility" in section 102 of Title 66 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this part which are applicable to specific
13 provisions of this part, the following words and phrases when
14 used in this part shall have, unless the context clearly
15 indicates otherwise, the meanings given to them in this section:

16 * * *

17 "Public utility."

1 (1) Any person or corporations now or hereafter owning
2 or operating in this Commonwealth equipment or facilities
3 for:

4 (i) Producing, generating, transmitting,
5 distributing or furnishing natural or artificial gas,
6 electricity, or steam for the production of light, heat,
7 or power to or for the public for compensation.

8 (ii) Diverting, developing, pumping, impounding,
9 distributing, or furnishing water to or for the public
10 for compensation.

11 (iii) Transporting passengers or property as a
12 common carrier.

13 (iv) Use as a canal, turnpike, tunnel, bridge,
14 wharf, and the like for the public for compensation.

15 (v) Transporting or conveying natural or artificial
16 gas, crude oil, gasoline, or petroleum products,
17 materials for refrigeration, or oxygen or nitrogen, or
18 other fluid substance, by pipeline or conduit, for the
19 public for compensation.

20 (vi) Conveying or transmitting messages or
21 communications, except as set forth in paragraph (2)(iv),
22 by telephone or telegraph or domestic public land mobile
23 radio service including, but not limited to, point-to-
24 point microwave radio service for the public for
25 compensation.

26 (vii) Wastewater collection, treatment, or disposal
27 for the public for compensation.

28 (viii) Providing limousine service in a county of
29 the second class pursuant to Subchapter B of Chapter 11
30 (relating to limousine service in counties of the second

1 class).

2 (ix) Providing persons with the ability to connect
3 to the Internet through equipment that is located in this
4 Commonwealth.

5 * * *

6 Section 2. Title 66 is amended by adding a chapter to read:

7 CHAPTER 30A

8 INTERNET NEUTRALITY

9 Sec.

10 30A01. Definitions.

11 30A02. Internet service providers.

12 30A03. Rules and regulations.

13 30A04. Violation of chapter.

14 30A05. Applicability.

15 § 30A01. Definitions.

16 The following words and phrases when used in this chapter
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Broadband Internet access service." A mass-market retail
20 service by wire or radio that provides the capability to
21 transmit data to and receive data from all or substantially all
22 Internet endpoints, including any capabilities that are
23 incidental to and enable the operation of the communications
24 service. The term does not include dial-up Internet access
25 service.

26 "Edge provider." A person that provides any content,
27 application or service over the Internet and any device used for
28 accessing any content, application or service over the Internet.

29 "Internet service provider." A person that provides
30 broadband Internet access service in this Commonwealth.

1 "Paid prioritization." The management of an Internet service
2 provider's network to directly or indirectly favor some traffic
3 over other traffic, including the use of techniques such as
4 traffic shaping, prioritization, resource reservation or other
5 forms of preferential traffic management in exchange for
6 consideration, monetary or otherwise, from a third party or to
7 benefit an affiliated person.

8 § 30A02. Internet service providers.

9 An Internet service provider that provides broadband Internet
10 access service may not engage in any of the following:

11 (1) Blocking lawful content, applications, services or
12 nonharmful devices, subject to reasonable network management
13 practices.

14 (2) Impairing or degrading lawful Internet traffic on
15 the basis of Internet content, application or service, or use
16 of a nonharmful device, subject to reasonable network
17 management practices.

18 (3) Engaging in paid prioritization or providing
19 preferential treatment of some Internet traffic to an
20 Internet customer.

21 (4) Unreasonably interfering with or unreasonably
22 disadvantaging either a customer's ability to select, access
23 and use broadband Internet access service or lawful Internet
24 content, applications, services or devices of the customer's
25 choice, or an edge provider's ability to make lawful content,
26 applications, services or devices available to a customer.

27 (5) Engaging in deceptive or misleading marketing
28 practices that misrepresent the treatment of Internet traffic
29 or content to its customers.

30 (6) Advertising, offering for sale or selling broadband

1 Internet access service without prominently disclosing with
2 specificity all aspects of the service advertised, offered
3 for sale or sold.

4 § 30A03. Rules and regulations.

5 The Pennsylvania Public Utility Commission may promulgate
6 rules and regulations necessary to administer and enforce this
7 chapter.

8 § 30A04. Violation of chapter.

9 (a) Unfair trade practice.--It shall be an unfair or
10 deceptive act or practice and a violation of the act of December
11 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices
12 and Consumer Protection Law, to violate any provision of this
13 chapter.

14 (b) Commonwealth agency contracts.--A Commonwealth agency
15 may not enter into a contract with an Internet service provider
16 found to be in violation of this chapter.

17 (c) Definition.--As used in this section, the term
18 "Commonwealth agency" shall have the meaning given to it in 62
19 Pa.C.S. § 103 (relating to definitions).

20 § 30A05. Applicability.

21 This chapter shall apply to contracts entered into on or
22 after the effective date of this section.

23 Section 3. This act shall take effect in 60 days.