



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0839/P3
KP:klm&skw

DOA:.....Sherwin, BB0275 - Consumer regulations of broadband

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
COMMERCE

Prohibiting discrimination in broadband and broadband subscriber rights

The bill prohibits a broadband service provider from denying access to a group of potential residential customers because of their race or income. Under the bill, DATCP has authority to enforce the prohibition and to promulgate related rules. The bill also authorizes any person affected by a broadband service provider who violates the prohibition to bring a private action.

The bill also establishes various requirements for broadband service providers, including the following: 1) broadband service providers must provide service satisfying minimum standards established by the PSC, and subscribers may terminate contracts if broadband service fails to satisfy those standards; 2) broadband service providers must provide service as described in advertisements or representations made to subscribers; 3) broadband service providers must repair broadband service within 72 hours after a subscriber reports a broadband service interruption that is not the result of a major system-wide or large area emergency; 4) broadband service providers must give subscribers credit for interruptions of broadband service that last more than 4 hours in a day; and 5) broadband service providers must give subscribers at least 30 days' advance written notice before instituting a rate increase.

The bill also requires each internet service provider in this state to register with the PSC.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 100.2091 of the statutes is created to read:

100.2091 Broadband; discrimination prohibited. (1) No broadband service provider may deny access to broadband service to any group of potential residential customers because of the race or income of the residents in the area in which the group resides.

(2) It is a defense to an alleged violation of sub. (1) based on income if, no later than 3 years after the date on which the broadband service provider began providing broadband service in this state, at least 30 percent of the households with access to the broadband service provider's broadband service in the area in which a group of potential residential customers resides are low-income households.

(3) The department may enforce this section and may promulgate rules to implement and administer this section. The department of justice may represent the department in an action to enforce this section. If the court finds that a broadband service provider has not complied with this section, the court shall order the broadband service provider to comply with this section within a reasonable amount of time and, notwithstanding s. 814.14 (1), shall award costs, including reasonable attorney fees, to the department of justice.

(4) Any person that is affected by a failure to comply with this section may bring an action to enforce this section. If a court finds that a broadband service provider has not complied with this section, the court shall order the broadband service

provider to comply with this section within a reasonable amount of time and, notwithstanding s. 814.14 (1), shall award costs, including reasonable attorney fees, to the person affected.

SECTION 2. 100.2092 of the statutes is created to read:

100.2092 Broadband service subscriber rights. (1) RIGHTS. (a) A broadband service provider shall repair broadband service within 72 hours after a subscriber reports a service interruption or requests the repair if the service interruption is not the result of a major system-wide or large area emergency, such as a natural disaster.

(b) Upon notification by a subscriber of a service interruption, a broadband service provider shall give the subscriber a credit for one day of broadband service if broadband service is interrupted for more than 4 hours in one day and the interruption is caused by the broadband service provider.

(c) Upon notification by a subscriber of a service interruption, a broadband service provider shall give the subscriber a credit for each hour that broadband service is interrupted if broadband service is interrupted for more than 4 hours in one day and the interruption is not caused by the broadband service provider.

(d) Prior to entering into a service agreement with a subscriber, a broadband service provider shall disclose that a subscriber has a right to a credit for notifying the broadband service provider of a service interruption.

(e) A broadband service provider shall provide broadband service that satisfies minimum standards established by the department by rule.

(f) A broadband service provider shall give a subscriber at least 30 days' advance written notice before instituting a rate increase.

(g) A broadband service provider shall give a subscriber at least 7 days' advance written notice of any scheduled routine maintenance that causes a service slowdown, interruption, or outage.

(h) A broadband service provider shall give a subscriber at least 10 days' advance written notice of disconnecting service, unless the disconnection is requested by the subscriber.

(i) Prior to entering into a service agreement with a subscriber, a broadband service provider shall disclose the factors that may cause the actual broadband speed experience to vary, including the number of users and device limitations.

(j) A broadband service provider shall provide broadband service to a subscriber as described in point of sale advertisements and representations made to the subscriber.

(k) A broadband service provider shall give a subscriber at least 10 days' advance written notice of a change in a factor that might cause the originally disclosed speed experience to vary.

(L) A broadband service provider shall allow a subscriber to terminate a contract and receive a full refund without fees if the provider sells a service that does not satisfy the requirements established under par. (e) and the broadband service provider does not satisfy the requirements established under par. (e) within one month of written notification from the subscriber.

(2) ADVERTISING. A broadband service provider shall disclose the factors that may cause the actual broadband speed experience of a subscriber to vary, including the number of users and device limitations, in each advertisement of the speed of the provider's service, including in all of the following types of advertisements:

(a) Television and other commercials.

(b) Internet and email advertisements.

(c) Print advertisements and bill inserts.

(d) Any other advertising method or solicitation for the sale of new or upgraded broadband service.

(3) RULES. The department may promulgate rules to implement and administer this section.

(4) PENALTY; ENFORCEMENT. (a) A person who violates this section may be required to forfeit not more than \$1,000 for each violation and not more than \$10,000 for each occurrence. Failure to give a notice required under sub. (1) (f) to more than one subscriber shall be considered one violation.

(b) The department or a district attorney may institute civil proceedings under this section.

SECTION 3. 165.25 (4) (ar) of the statutes is amended to read:

165.25 (4) (ar) The department of justice shall furnish all legal services required by the department of agriculture, trade and consumer protection relating to the enforcement of ss. 91.68, 93.73, 100.171, 100.173, 100.174, 100.175, 100.177, 100.18, 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.2091, 100.2092, 100.21, 100.28, 100.37, 100.42, 100.50, 100.51, 100.55, and 846.45 and chs. 126, 136, 344, 704, 707, and 779, together with any other services as are necessarily connected to the legal services.

SECTION 4. 196.5048 of the statutes is created to read:

196.5048 Internet service provider registration. No person may provide Internet service in this state unless the person registers with the commission.

SECTION 9302. Initial applicability; Agriculture, Trade and Consumer Protection.

(1) SUBSCRIBERS TERMINATING BROADBAND CONTRACTS. The treatment of s. 100.2092 (1) (L) first applies to a contract that is entered into, renewed, or modified on the effective date of this subsection.

SECTION 9436. Effective dates; Public Service Commission.

(1) INTERNET SERVICE PROVIDER REGISTRATION REQUIREMENT. The treatment of s. 196.5048 takes effect on December 31, 2021.

(END)