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ARTICLE 4

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TELECOMMUNICATIONS POLICY

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Section 1. Minnesota Statutes 2022, section 237.121, is amended to read:

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237.121 PROHIBITED PRACTICES.

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(a) A telephone company or telecommunications carrier may not do any of the following with respect to services regulated by the commission:

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(1) upon request, fail to disclose in a timely and uniform manner information necessary for the design of equipment and services that will meet the specifications for interconnection;

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(2) intentionally impair the speed, quality, or efficiency of services, products, or facilities offered to a consumer under a tariff, contract, or price list;

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(3) fail to provide a service, product, or facility to a consumer other than a telephone company or telecommunications carrier in accordance with its applicable tariffs, price lists, or contracts and with the commission's rules and orders;

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(4) refuse to provide a service, product, or facility to a telephone company or telecommunications carrier in accordance with its applicable tariffs, price lists, or contracts and with the commission's rules and orders;

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(5) impose unreasonable or discriminatory restrictions on the resale of its services, provided that:

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(i) it may require that residential service may not be resold as a different class of service; and

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(ii) the commission may prohibit resale of services it has approved for provision for not-for-profit entities at rates less than those offered to the general public; ~~or~~

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(6) provide telephone service to a person acting as a telephone company or telecommunications carrier if the commission has ordered the telephone company or telecommunications carrier to discontinue service to that person; or

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(7) upon cancellation of a service, refuse to provide a prorated refund of payment made in advance by a customer.

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(b) A telephone company or telecommunications carrier may not violate a provision of sections 325F.692 and 325F.693, with regard to any of the services provided by the company or carrier.

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Sec. 2. **[237.185] MISSED REPAIR APPOINTMENTS; CREDIT.**

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Subdivision 1. **Credit required; limitation; exception.** (a) A local exchange carrier that schedules a repair appointment with a customer for any service, either to provide the service directly or by contracting with a third party, must provide an immediate \$25 credit

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- 145.5 to the customer if a repair technician fails to appear at the scheduled appointment time and
145.6 at the location where the repair is required. A customer is not required to request the
145.7 immediate credit.
- 145.8 (b) The immediate credit under paragraph (a) applies only if the customer, prior to the
145.9 scheduled repair appointment, provides notice to the local exchange carrier that the customer's
145.10 compromised health requires continued access to emergency services. The customer is not
145.11 required to provide the local exchange carrier with medical documentation when providing
145.12 notice under this paragraph.
- 145.13 (c) The local exchange carrier is not required to provide an immediate credit if the local
145.14 exchange carrier (1) notifies the customer that a change in scheduling is necessary, and (2)
145.15 provides the notice to the customer at least 24 hours before the scheduled appointment.
- 145.16 Subd. 2. **Notice.** (a) A local exchange carrier must notify the local exchange carrier's
145.17 customers (1) of the right to an immediate credit for a missed repair appointment, and (2)
145.18 that a health notice from the customer must be on file in order for the customer to obtain
145.19 the immediate credit.
- 145.20 (b) The notice must be given to a new customer within 45 days of the date that service
145.21 to the customer is commenced and at least annually thereafter. The notice must be provided
145.22 in a writing labeled "NOTICE OF RIGHT TO IMMEDIATE CREDIT FOR MISSED
145.23 REPAIR APPOINTMENTS FOR CERTAIN HEALTH COMPROMISED CUSTOMERS."
145.24 The notification must be printed in a sufficient size so that the notification is clearly legible.
- 145.25 Sec. 3. Minnesota Statutes 2022, section 237.19, is amended to read:
- 145.26 **237.19 MUNICIPAL TELECOMMUNICATIONS SERVICES.**
- 145.27 Any municipality shall have the right to own and operate a telephone exchange within
145.28 its own borders, subject to the provisions of this chapter. It may construct such plant, or
145.29 purchase an existing plant by agreement with the owner, or where it cannot agree with the
145.30 owner on price, it may acquire an existing plant by condemnation, as hereinafter provided,
145.31 but in no case shall a municipality construct or purchase such a plant or proceed to acquire
145.32 an existing plant by condemnation until such action by it is authorized by a majority of the
145.33 electors voting upon the proposition at a general election or a special election called for that
146.1 purpose, and if the proposal is to construct a new exchange where an exchange already
146.2 exists, it shall not be authorized to do so unless 65 percent of those voting thereon vote in
146.3 favor of the undertaking. A municipality that owns and operates a telephone exchange may
146.4 enter into a joint venture as a partner or shareholder with a telecommunications organization
146.5 to provide telecommunications services within its service area.
- 146.6 Sec. 4. **[325F.6945] INTERNET SERVICE PROVIDERS; PROHIBITED ACTIONS.**
- 146.7 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
146.8 the meanings given.

- 146.9 (b) "Broadband Internet access service" means:
- 146.10 (1) a mass-market retail service by wire or radio that provides the capability, including
- 146.11 any capability that is incidental to and enables the operation of the communications service,
- 146.12 to transmit data to and receive data from all or substantially all Internet endpoints;
- 146.13 (2) any service that provides a functional equivalent of the service described in clause
- 146.14 (1); or
- 146.15 (3) any service that is used to evade the protections established under this section.
- 146.16 Broadband Internet access service includes a service that serves end users at fixed endpoints
- 146.17 using stationary equipment or end users using mobile stations, but does not include dial-up
- 146.18 Internet access service.
- 146.19 (c) "Edge provider" means any person or entity that provides:
- 146.20 (1) any content, application, or service over the Internet; or
- 146.21 (2) a device used to access any content, application, or service over the Internet.
- 146.22 Edge provider does not include a person or entity providing obscene material, as defined
- 146.23 in section 617.241.
- 146.24 (d) "Impairing or degrading lawful Internet traffic on the basis of Internet content,
- 146.25 application, or service, or use of a nonharmful device" means impairing or degrading any
- 146.26 of the following:
- 146.27 (1) particular content, applications, or services;
- 146.28 (2) particular classes of content, applications, or services;
- 146.29 (3) lawful Internet traffic to particular nonharmful devices; or
- 146.30 (4) lawful Internet traffic to particular classes of nonharmful devices.
- 147.1 Impairing or degrading lawful Internet traffic on the basis of Internet content, application,
- 147.2 or service, or use of a nonharmful device includes, without limitation, differentiating
- 147.3 positively or negatively between any of the following:
- 147.4 (i) particular content, applications, or services;
- 147.5 (ii) particular classes of content, applications, or services;
- 147.6 (iii) lawful Internet traffic to particular nonharmful devices; or
- 147.7 (iv) lawful Internet traffic to particular classes of nonharmful devices.
- 147.8 (e) "Internet service provider" means a business that provides broadband Internet access
- 147.9 service to a customer in Minnesota.

- 147.10 (f) "Paid prioritization" means the management of an Internet service provider's network
147.11 to directly or indirectly favor some traffic over other traffic:
- 147.12 (1) in exchange for monetary or other consideration from a third party; or
147.13 (2) to benefit an affiliated entity.
- 147.14 (g) "Reasonable network management" means a network management practice that has
147.15 a primarily technical network-management justification, but does not include other business
147.16 practices, which is reasonable if the practice is primarily used for and tailored to achieving
147.17 a legitimate network-management purpose, taking into account the particular network
147.18 architecture and technology of the broadband Internet access service, and is as
147.19 application-agnostic as possible.
- 147.20 (h) "Zero-rating" means exempting some Internet traffic from a customer's data usage
147.21 allowance.
- 147.22 Subd. 2. **Prohibited actions.** An Internet service provider is prohibited from engaging
147.23 in any of the following activities with respect to any of the Internet service provider's
147.24 Minnesota customers:
- 147.25 (1) subject to reasonable network management, blocking lawful content, applications,
147.26 services, or nonharmful devices;
- 147.27 (2) subject to reasonable network management, impairing, impeding, or degrading lawful
147.28 Internet traffic on the basis of (i) Internet content, application, or service, or (ii) use of a
147.29 nonharmful device;
- 147.30 (3) engaging in paid prioritization;
- 147.31 (4) unreasonably interfering with or unreasonably disadvantaging:
- 148.1 (i) a customer's ability to select, access, and use broadband Internet service or lawful
148.2 Internet content, applications, services, or devices of the customer's choice; or
- 148.3 (ii) an edge provider's ability to provide lawful Internet content, applications, services,
148.4 or devices to a customer;
- 148.5 (5) engaging in deceptive or misleading marketing practices that misrepresent the
148.6 treatment of Internet traffic or content;
- 148.7 (6) engaging in zero-rating in exchange for consideration, monetary or otherwise, from
148.8 a third party; or
- 148.9 (7) zero-rating some Internet content, applications, services, or devices in a category of
148.10 Internet content, applications, services, or devices, but not the entire category.
- 148.11 Subd. 3. **Exceptions.** This section does not apply to software or applications sponsored
148.12 by the federal government, a state government, or a federally recognized Tribal government

- 148.13 when the Internet service provider allows an advantage to customers for free or improved
148.14 access, or data for access to government services and programs.
- 148.15 Subd. 4. **Other laws.** This section does not: (1) supersede any obligation or authorization
148.16 an Internet service provider may have to address the needs of emergency communications
148.17 or law enforcement, public safety, or national security authorities, consistent with or as
148.18 permitted by applicable law; or (2) limit the provider's ability to meet, address, or comply
148.19 with the needs identified in clause (1).
- 148.20 Subd. 5. **Enforcement.** A violation of subdivision 2 may be enforced by the commissioner
148.21 of commerce under section 45.027. The venue for enforcement proceedings is Ramsey
148.22 County.
- 148.23 **EFFECTIVE DATE.** This section is effective January 1, 2025.
- 148.24 Sec. 5. Minnesota Statutes 2022, section 429.021, subdivision 1, is amended to read:
- 148.25 Subdivision 1. **Improvements authorized.** The council of a municipality shall have
148.26 power to make the following improvements:
- 148.27 (1) To acquire, open, and widen any street, and to improve the same by constructing,
148.28 reconstructing, and maintaining sidewalks, pavement, gutters, curbs, and vehicle parking
148.29 strips of any material, or by grading, graveling, oiling, or otherwise improving the same,
148.30 including the beautification thereof and including storm sewers or other street drainage and
148.31 connections from sewer, water, or similar mains to curb lines.
- 149.1 (2) To acquire, develop, construct, reconstruct, extend, and maintain storm and sanitary
149.2 sewers and systems, including outlets, holding areas and ponds, treatment plants, pumps,
149.3 lift stations, service connections, and other appurtenances of a sewer system, within and
149.4 without the corporate limits.
- 149.5 (3) To construct, reconstruct, extend, and maintain steam heating mains.
- 149.6 (4) To install, replace, extend, and maintain street lights and street lighting systems and
149.7 special lighting systems.
- 149.8 (5) To acquire, improve, construct, reconstruct, extend, and maintain water works systems,
149.9 including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks,
149.10 treatment plants, and other appurtenances of a water works system, within and without the
149.11 corporate limits.
- 149.12 (6) To acquire, improve and equip parks, open space areas, playgrounds, and recreational
149.13 facilities within or without the corporate limits.
- 149.14 (7) To plant trees on streets and provide for their trimming, care, and removal.
- 149.15 (8) To abate nuisances and to drain swamps, marshes, and ponds on public or private
149.16 property and to fill the same.

- 149.17 (9) To construct, reconstruct, extend, and maintain dikes and other flood control works.
- 149.18 (10) To construct, reconstruct, extend, and maintain retaining walls and area walls.
- 149.19 (11) To acquire, construct, reconstruct, improve, alter, extend, operate, maintain, and
- 149.20 promote a pedestrian skyway system. Such improvement may be made upon a petition
- 149.21 pursuant to section 429.031, subdivision 3.
- 149.22 (12) To acquire, construct, reconstruct, extend, operate, maintain, and promote
- 149.23 underground pedestrian concourses.
- 149.24 (13) To acquire, construct, improve, alter, extend, operate, maintain, and promote public
- 149.25 malls, plazas or courtyards.
- 149.26 (14) To construct, reconstruct, extend, and maintain district heating systems.
- 149.27 (15) To construct, reconstruct, alter, extend, operate, maintain, and promote fire protection
- 149.28 systems in existing buildings, but only upon a petition pursuant to section 429.031,
- 149.29 subdivision 3.
- 149.30 (16) To acquire, construct, reconstruct, improve, alter, extend, and maintain highway
- 149.31 sound barriers.
- 150.1 (17) To improve, construct, reconstruct, extend, and maintain gas and electric distribution
- 150.2 facilities owned by a municipal gas or electric utility.
- 150.3 (18) To purchase, install, and maintain signs, posts, and other markers for addressing
- 150.4 related to the operation of enhanced 911 telephone service.
- 150.5 (19) To improve, construct, extend, and maintain facilities for Internet access and other
- 150.6 communications purposes, ~~if the council finds that:~~ provided that the municipality must:
- 150.7 ~~(i) the facilities are necessary to make available Internet access or other communications~~
- 150.8 ~~services that are not and will not be available through other providers or the private market~~
- 150.9 ~~in the reasonably foreseeable future; and~~
- 150.10 ~~(ii) the service to be provided by the facilities will not compete with service provided~~
- 150.11 ~~by private entities.~~
- 150.12 (i) not discriminate in favor of the municipality's own communications facilities by
- 150.13 granting the municipality more favorable or less burdensome terms and conditions than a
- 150.14 competitive service provider with respect to: (A) access and use of public rights-of-way;
- 150.15 (B) access and use of municipally owned or controlled conduit, towers, and utility poles;
- 150.16 and (C) permitting fees charged to access municipally owned and managed facilities;
- 150.17 (ii) maintain separation between the municipality's role as a regulator over firms that
- 150.18 offer services in competition with the services offered by the municipality over the

- 150.19 municipality's communications service facilities, and the municipality's role as a competitive
150.20 provider of services over the municipality's communications service facilities; and
- 150.21 (iii) not share inside information between employees or contractors responsible for
150.22 executing the municipality's role as a regulator over firms that offer communications services
150.23 in competition with the communication services offered by the municipality, and employees
150.24 or contractors responsible for executing the municipality's role as a competitive
150.25 communications services provider.
- 150.26 (20) To assess affected property owners for all or a portion of the costs agreed to with
150.27 an electric utility, telecommunications carrier, or cable system operator to bury or alter a
150.28 new or existing distribution system within the public right-of-way that exceeds the utility's
150.29 design and construction standards, or those set by law, tariff, or franchise, but only upon
150.30 petition under section 429.031, subdivision 3.
- 150.31 (21) To assess affected property owners for repayment of voluntary energy improvement
150.32 financings under section 216C.436, subdivision 7, or 216C.437, subdivision 28.
- 151.1 (22) To construct, reconstruct, alter, extend, operate, maintain, and promote energy
151.2 improvement projects in existing buildings, provided that:
- 151.3 (i) a petition for the improvement is made by a property owner under section 429.031,
151.4 subdivision 3;
- 151.5 (ii) the municipality funds and administers the energy improvement project;
- 151.6 (iii) project funds are only used for the installation of improvements to heating,
151.7 ventilation, and air conditioning equipment and building envelope and for the installation
151.8 of renewable energy systems;
- 151.9 (iv) each property owner petitioning for the improvement receives notice that free or
151.10 low-cost energy improvements may be available under federal, state, or utility programs;
- 151.11 (v) for energy improvement projects on residential property, only residential property
151.12 having five or more units may obtain financing for projects under this clause; and
- 151.13 (vi) prior to financing an energy improvement project or imposing an assessment for a
151.14 project, written notice is provided to the mortgage lender of any mortgage encumbering or
151.15 otherwise secured by the property proposed to be improved.