

<p style="text-align: center;">Act No. 169 (2018) (Secs. 2-8 only)</p>	<p style="text-align: center;">E.O. No. 2-18</p>
<p>Secretary of Administration</p> <ul style="list-style-type: none"> • Develops certification process for consumer protection and net neutrality compliance • Certification granted to ISP if Secretary finds it is in compliance • Certificate required for government contracts 	<p>Secretary of Administration and ADS</p> <ul style="list-style-type: none"> • All State agencies required to get approval from AoA and ADS before procuring Internet services
<p>Applies to:</p> <ul style="list-style-type: none"> • Executive contracts • Legislative contracts • Judicial contracts (<i>An argument could be made that the Legislature cannot control the Judiciary’s internal administrative functions.</i>) 	<p>Applies to:</p> <ul style="list-style-type: none"> • Executive contracts, only • <i>However</i>, currently the Legislature uses the Agency of Digital Services for its primary ISP contract. Presumably same is true for Judiciary (need to confirm)
<p>Prohibited conduct:</p> <ul style="list-style-type: none"> • No blocking, subject to reasonable network management • No throttling, subject to reasonable network management • No paid prioritization (unless waived because the practice would serve a significant public interest and not harm the open nature of the Internet in VT; e.g., public safety communications) • No unreasonable interference, etc. • No deceptive or misleading marketing practices 	<p>Prohibited conduct:</p> <ul style="list-style-type: none"> • Essentially same, except: <ul style="list-style-type: none"> ○ No specific waiver for paid prioritization, but see “general exception” below ○ No specific ban on “deceptive or misleading marketing practices,” however this conduct is likely already prohibited under VT’s Consumer Protection Act
<p>Clear statement that the ISP cannot engage in any of the prohibited practices “in Vermont.”</p> <p><i>This simultaneously clarifies the law does <u>not</u> extend beyond VT’s borders, and <u>does</u> apply to <u>all</u> Internet services offered in VT, not just to State contracts for Internet service</i></p>	<p>Would likely be read to have the same application, but it is not as clear</p>
<p>Public disclosure of management practices and commercial terms of service to consumers</p>	<p>Disclosure “may” be required upon recommendation of DPS and ADS</p> <p>However, this likely would be required under the new federal rule, regardless</p>

N/A	DPS and ADS shall evaluate and advise the Governor on potential actions to promote net neutrality in order to protect Vermonter's access to a free and open internet
There is only the above-referenced exception to the ban on paid prioritization	An Exception to the contracting requirements may be granted upon receipt of written justification that it would serve the best interest of the State
Terms are clearly defined in the bill	DPS shall resolve any dispute over the definition of terminology used in the E.O.
<p>Attorney General</p> <ul style="list-style-type: none"> • Reviews network management practices of ISPs in VT • To extent possible, makes determination as to whether ISP is complying with FCC's Open Internet Order (i.e., net neutrality rules) • Findings disclosed on publicly available, easily accessible, website maintained by AGO <p><i>The FCC rules were repealed; however, many ISPs contended they essentially would continue to comply with those standards. This provision was intended to see if that was the case in VT going forward and also to provide consumers information about service offerings in VT.</i></p>	N/A