

1 **TELECOMMUNICATIONS & TECHNOLOGY STEERING COMMITTEE**

2
3 **RESOLUTION SUPPORTING INTERNET NEUTRALITY**

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5 **Issue:** Prior to December, the FCC’s rules prevented Internet service providers (ISPs)
6 from blocking or slowing down traffic to websites. The rules also kept ISPs from charging
7 users’ higher rates for faster access to certain websites or charging websites to be
8 automatically included in any sort of “fast lane.” On December 14th, 2017, the FCC voted
9 to remove these restrictions and in addition tried to make it harder for anyone else to
10 regulate ISPs in a similar way.

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12 **Proposed Policy:** NACo urges Congress to repeal the FCC rule passed December 14,
13 2017 using the Congressional Review Act within the first 60 days of posting the rule in the
14 Federal Register. NACo supports federal legislation and/or policy that bans the intentional
15 slowing of service by bandwidth throttling, paid prioritization, or the option for an internet
16 service provider to pay a fee to get ahead of their competitors, and blocks internet service
17 providers from using deceptive and discriminatory business practices which impede on free
18 speech rights.

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20 **Background:** “Net neutrality” is the 2015 rule that internet service providers can’t offer
21 faster speeds and access to websites that pay them more, and thus have classified
22 broadband providers as public utilities under Title II of the Communications Act of 1934.

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24 The Federal Communication Commission (FCC)’s December 14, 2017 repeal of net
25 neutrality protections that were codified since 2015 now leaves internet service providers
26 open to implement tactics that will impede free speech and increase the costs of providing
27 essential health, education, and government services over other more financially lucrative
28 social and commerce services, such as:

- 29 (a) Blocking lawful content, applications, services, or nonharmful devices for any
30 customer, subject to reasonable network management practices.
31 (b) Impairing or degrading lawful Internet traffic on the basis of Internet content,
32 application, or service for, or use of a nonharmful device by, any customer, subject
33 to reasonable network management practices.
34 (c) Engaging in paid prioritization, or providing preferential treatment of some
35 Internet traffic to any Internet customer.
36 (d) Unreasonably interfering with, or unreasonably disadvantaging, either a
37 customer’s ability to select, access, and use broadband Internet access service or
38 lawful Internet content, applications, services, or devices of the customer’s choice,
39 or an edge provider’s ability to make lawful content, applications, services, or
40 devices available to a customer.
41 (e) Engaging in deceptive or misleading marketing practices that misrepresent the
42 treatment of Internet traffic or content to its customers.
43 (f) Advertising, offering for sale, or selling broadband Internet access service to any
44 customer without prominently disclosing with specificity all aspects of the service
45 advertised, offered for sale, or sold.

47 An additional insult of the repeal of net neutrality requirements is that many internet
48 service providers enjoy service monopolies and/or utilize broadband infrastructure that has
49 been paid for by local, state, or federal government subsidies. Net neutrality should
50 absolutely be maintained when infrastructure is either owned or has been subsidized by
51 public entities or public funds.

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53 The FCC public comment process leading up to the FCC’s decision in December 2017 was
54 compromised, as nearly 450,000 spambot comments in support of the repeal have been
55 identified, and even fraudulently used the names of unsuspecting Americans. The
56 Washington Post reported that around 400,000 comments in support of the repeal
57 originated from a single address based in Russia and that 7.5 million comments in favor of
58 the repeal appeared to come from just 45,000 distinct email addresses, quoting Brian Hart
59 of the FCC saying that they were “all generated by a single fake e-mail generator website”.
60 Of the 22 million comments the FCC received on the rule in 2017 prior to the FCC’s
61 decision to repeal net neutrality, only 17.4 percent were found to be authentic by the data
62 analytics company Gravwell. **The authentic comments are overwhelmingly in support**
63 **of retaining net neutrality regulation.** In addition, it appears at least 50,000 consumer
64 complaints to the FCC have been disappeared from the FCC’s records.

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66 Whether or not the net retains neutrality significantly affects American businesses,
67 government, education and schools, researchers, health services providers and hospitals,
68 social media, and e-commerce. Without net neutrality regulations, broadband companies
69 can charge certain users more and block or slow access to some websites while favoring
70 others. Broadband providers will be able to utilize paid prioritization and unreasonable
71 discrimination rather than treating all internet traffic equally. **The loss of net neutrality**
72 **requirements could have huge repercussions for local governments that must provide**
73 **information to citizens, are mandated to have high speed secure connections for**
74 **sensitive data being transmitted from our clerks, treasurers, assessors and during**
75 **elections – as now internet service providers can require additional fees or throttle**
76 **speeds below our county’s mandatory compliance levels.** When websites are bundled
77 like cable or satellite TV channels, on what tier, and how accessible and searchable will
78 government, hospitals, schools and public safety be? Our local economy is intertwined
79 with creative entrepreneurs who must use the internet to deliver their products and
80 services.

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82 The loss of net neutrality will make the internet more exclusive, expensive and less
83 accessible. Rural counties and rural areas already severely struggle with the broadband
84 divide.

85

86 San Miguel County, similar to other counties across the nation has been working to create
87 public-private partnerships to enhance access to broadband (we have relatively few
88 broadband providers and 45 percent of our county lacks access to broadband). We have
89 been working collaboratively with other local governments in the region, the State of
90 Colorado, utilities, and ISPs to expand our broadband infrastructure where it is cost-
91 prohibitive and unattractive for the incumbent monopoly to serve. **If taxpayer resources**
92 **are being used to push broadband out to rural areas, it should serve all end users**

93 **equally.**

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95 With the FCC's 2017 rulemaking process and public input completely corrupted, the
96 voices of real citizens, public entities and businesses must be duly considered. Therefore,
97 Congress should expeditiously use the Congressional Review Act to overturn the FCC's
98 repeal of net neutrality and/or pass legislation to retain net neutrality protections, especially
99 where public funds have been used to create broadband infrastructure.

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101 **Fiscal/Urban/Rural Impact:** Without net neutrality, county governments with mandates
102 for certain broadband connection types and speeds may have their bills from internet
103 service providers (ISPs) increase. Citizens might be charged more to be able to find and
104 view non-commercial content on the web by ISPs.

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106 **Sponsor(s):** San Miguel County Board of County Commissioners: Kris Holstrom, Joan
107 May & Hilary Cooper;

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