TELECOMMUNICATIONS & TECHNOLOGY STEERING COMMITTEE

RESOLUTION SUPPORTING INTERNET NEUTRALITY

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

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

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

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

(a) Blocking lawful content, applications, services, or nonharmful devices for any customer, subject to reasonable network management practices.

(b) Impairing or degrading lawful Internet traffic on the basis of Internet content, application, or service for, or use of a nonharmful device by, any customer, subject to reasonable network management practices.

(c) Engaging in paid prioritization, or providing preferential treatment of some Internet traffic to any Internet customer.

(d) Unreasonably interfering with, or unreasonably disadvantaging, either a customer’s ability to select, access, and use broadband Internet access service or lawful Internet content, applications, services, or devices of the customer’s choice, or an edge provider’s ability to make lawful content, applications, services, or devices available to a customer.

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

(f) Advertising, offering for sale, or selling broadband Internet access service to any customer without prominently disclosing with specificity all aspects of the service advertised, offered for sale, or sold.
An additional insult of the repeal of net neutrality requirements is that many internet service providers enjoy service monopolies and/or utilize broadband infrastructure that has been paid for by local, state, or federal government subsidies. Net neutrality should absolutely be maintained when infrastructure is either owned or has been subsidized by public entities or public funds.

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

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

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

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

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

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

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