

1 **COMMITTEE: COMMUNICATIONS, FINANCIAL SERVICES AND**
2 **INTERSTATE COMMERCE**

3 **POLICY: PROTECT AND PRESERVE THE OPEN**
4 **INTERNET WITHOUT DISCOURAGING**
5 **DEPLOYMENT**

6 **TYPE: RESOLUTION**

7 **WHEREAS**, the National Conference of State Legislatures (NCSL) supports laws and
8 policies that encourage speed, competition, and rapid deployment of advanced
9 telecommunications services in all communities; and

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11 **WHEREAS, NCSL** supports the principles set forth by the Federal Communications
12 Commission (FCC) in 2010 to protect an open Internet, which include:

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- 14 • No blocking: Internet service providers (ISPs) cannot block consumers from
15 accessing legal websites and services.
- 16 • No throttling: ISPs cannot intentionally slow down some content, or speed up
17 other based on the type of services or ISP preference.
- 18 • Transparency: ISPs must fully disclose to consumers any network management
19 actions.
- 20 • No paid prioritization: ISPs cannot require pay to-play for Internet companies or
21 otherwise place some content in a slow lane.

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23 **WHEREAS**, the exponential growth of the Internet has flourished as a result of the
24 government's historic 'hands-off' approach which has fostered an environment of ever-
25 increasing competition, and fast-growing consumer interest; and

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27 **WHEREAS**, Internet users enjoy competitive choices in selecting a broadband
28 connection that meets their needs for speed, reliability and quality of service yet remain
29 poised to enjoy capabilities not yet envisioned; and

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31 **WHEREAS**, policy choices should envision an ecosystem in which broadband
32 connections, services, and applications should continue to become more affordable and
33 accessible to all consumers; and

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35 **WHEREAS**, it is important that consumers have access to wired and mobile broadband
36 options, and incentives and regulation should be designed to support both sets of
37 technologies; and

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39 **WHEREAS**, consumers have substantially benefited from ISPs' investment in
40 broadband networks and infrastructure that have fueled innovations in education,
41 health, civic engagement and workforce development; and

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43 **WHEREAS**, consumers should continue to benefit from investment in broadband
44 networks that are faster, less susceptible to hackers and spammers, and allow
45 consumers more access and innovative services with security and privacy; and

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47 **WHEREAS**, as long as consumers are free to take or reject any option, Internet
48 services providers should be free to offer new and innovative service and pricing
49 options; and

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51 **WHEREAS**, innovation to meet consumer demand should be encouraged so that
52 consumers experience the best Internet possible; and

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54 **WHEREAS**, companies that invest in broadband and broadband-related applications
55 should be afforded the flexibility to explore fair and competitive business models and
56 pricing plans for their products and services; and

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58 **WHEREAS**, on February 26, 2015, the FCC adopted an Open Internet Order which
59 classifies broadband Internet access service as a telecommunications service subject to
60 regulation under Title II of the Communications Act; and

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62 **WHEREAS**, the FCC's action contravenes a decades-long bipartisan Internet policy
63 approach that fostered the massive capital investment in Internet-enabled networks and
64 services and promoted the innovative atmosphere consumers enjoy today and instead
65 places the vibrant, dynamic Internet sphere under its bureaucratic control whereby
66 innovation opportunities could become strangled; and

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68 **WHEREAS**, a September 2014 report, "The State of Broadband 2014: Broadband for
69 All", by the Broadband Commission for Digital Development, launched by the
70 International Telecommunications Union, the U.S. ranked 24th in fixed broadband
71 penetration and 10th in mobile broadband penetration and could decline further as the
72 FCC's proposed classification of broadband Internet access service under Title II places
73 more of the cost burden onto the end user, exacerbating an already disturbing trend of a
74 'digital divide' within our country; and

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76 **WHEREAS**, mandated public utility regulation of the Internet would impede future
77 capital investments in the U.S.' broadband infrastructure; and

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79 **NOW, THEREFORE, BE IT RESOLVED** that NCSL calls upon the Congress of the
80 United States of America to enact legislation that would protect consumers without
81 undermining future growth, investment, and innovation; and

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83 **BE IT FURTHER RESOLVED** that NCSL believes that new federal legislation should
84 give the FCC clear authority to protect consumers, close the digital divide, and preserve
85 an open Internet without imposing burdensome Title II regulations; and

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87 **BE IT FINALLY RESOLVED** that NCSL send a copy of this resolution to the President
88 of the
89 United States, members of Congress and the commissioners of the Federal
90 Communications Commission.

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