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April 11, 2018

The Honorable Ben Hueso  
Chair  
State Capitol, Room 4035  
Senate Standing Committee on Energy, Utilities,  
and Communications  
Sacramento, CA 95814

The Honorable Mike Morrell  
Vice-Chair  
State Capitol, Room 4035  
Senate Standing Committee on Energy, Utilities,  
and Communications  
Sacramento, CA 95814

*Re: SB 822 (SUPPORT)*

New Media Rights is a non-profit program that provides free and low cost legal assistance to independent creators, internet users, and startup entrepreneurs (such as musicians, artists, filmmakers, mobile app developers and more). We are reminded daily of the innumerable benefits the internet can provide to American innovators, content creators, and consumers.

But these benefits can only flow if the internet maintains its open architecture and low barriers to entry. The FCC's decision to repeal network neutrality reverses decades of effort to preserve the free and open internet and promote user choice.<sup>1</sup> The FCC's act destroys the regulatory clarity that the Open Internet Order created<sup>2</sup> and does not return to any claimed status quo, but rather this is the first time the federal government has abandoned overseeing cable and telephone companies.<sup>3</sup> As a result, the public is in need of state protections that would restore the regulatory oversight that prevents ISPs from openly blocking or throttling access to the internet.

Without network neutrality, small businesses cannot compete if large corporations can receive paid prioritization from ISPs, and disfavored communities lack the protections they need to create and share their expressions online without having their content throttled or blocked. Recent history shows numerous examples of direct harms to internet users, consumers, and smaller businesses alike in the period before the Open Internet Order was enacted, to which the FCC astonishingly seeks to regress.<sup>4</sup> Enacting a

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<sup>1</sup> See Comments of New Media Rights, *In the Matter of Restoring Internet Freedom*, WC Docket N. 17-108 at p.12 (filed July 17, 2017), <http://www.newmediarights.org/sites/newmediarights.org/files/New%20Media%20Rights%20Open%20Internet%20Comments%20FINAL%207.17.2017.pdf>.

<sup>2</sup> *Id.* at p. 9.

<sup>3</sup> See *Electronic Frontier Foundation Letter Re: SB 822* at pp. 3-4 (April 9, 2018).

<sup>4</sup> In our comments submitted in 2014 and 2017, we discuss at length numerous examples of concrete harms from the anti-consumer and anti-competitive activities that ISPs were engaging in before the Open Internet Order was passed. See Comments of New Media Rights, *supra* note 1, at pp. 9-11; see also Reply Comments of New Media Rights, *In the Matter of Protecting and Promoting the Open Internet*, GN Docket No. 14-28 at pp. 5-9 (filed Sept. 11, 2014),

state law that would provide regulatory oversight will protect disfavored communities of citizens from the harms of a lack of net neutrality.

In taking regulatory steps to ensure that ISPs abide by net neutrality rules, California would be protecting the interests of its citizens and allow the digital economy to continue to flourish. The FCC's decision to repeal net neutrality rules is widely opposed by the public, regardless of political leanings; in California alone, hundreds of thousands of people have voiced their objections to the FCC's decision to repeal net neutrality.<sup>5</sup> It is clear that a state based net neutrality framework is desired in California, and would benefit its citizens tremendously in providing the consumer protections that the FCC has so egregiously dismantled.

New Media Rights urges the California legislature to protect the interests of the citizens of California by enacting net neutrality rules under SB 822.

Respectfully,

A handwritten signature in black ink that reads "Art H. Neill". The signature is fluid and cursive, with the first name "Art" and last name "Neill" clearly legible.

Art Neill, Esq.  
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<http://www.newmediarights.org/sites/newmediarights.org/files/Reply%20Comments%20of%20New%20Media%20Rights%20-%20Open%20Internet%20proceeding%202014%20FINAL.pdf>.

<sup>5</sup> See EFF Letter, *supra* note 3 at p. 2, citing Senator Kamala Harris, *The Internet is Under Attack* (Nov. 21, 2017), <https://medium.com/@KamalaHarris/the-internet-is-under-attack-3fa7e7b44c59>.