PROTECT AND PRESERVE THE OPEN INTERNET WITHOUT DISCOURAGING DEPLOYMENT

WHEREAS, the National Black Caucus of State Legislators (NBCSL) supports laws and policies that encourage speed, competition, and rapid deployment of advanced telecommunications services in all communities;

WHEREAS, NBCSL signed onto comments supporting the principles set forth by the Federal Communications Commission (FCC) in 2010 to protect an open Internet, which include:

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

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

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

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

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

WHEREAS, joint ventures and partnerships with minority owned telecommunication companies must be incentivized;

WHEREAS, consumers have substantially benefited from ISPs’ investment in broadband networks and infrastructure that have fueled innovations in education, health, civic engagement and workforce development;
WHEREAS, consumers should continue to benefit from investment in broadband networks that are faster, less susceptible to hackers and spammers, and allow consumers more access and innovative services with security and privacy;

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

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

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

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

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

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

WHEREAS, mandated public utility regulation of the Internet would impede future capital investments in the U.S.’ broadband infrastructure.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) calls upon the Congress to enact legislation that would protect consumers without undermining future growth, investment, and innovation;

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

BE IT FINALLY RESOLVED, that the NBCSL send a copy of this resolution to the President of the United States, members of Congress and the commissioners of the Federal Communications Commission.
SPONSOR: Representative Mia Jones (FL)
Committee of Jurisdiction: Telecommunications, Science, and Technology Policy Committee
Certified by Committee Co-Chairs: Delegate Michael Vaughn (MD) and Senator Anastasia Pittman (OK)
Ratified in Plenary Session: Ratification Date is December 4, 2015
Ratification is certified by: Senator Catherine Pugh (MD), President