



## ***FCC Protecting and Promoting the Open Internet NPRM-***

After years of an endless cycle of repeated proposed regulations intended to devise procedures to prevent phone and cable companies from blocking or interfering with Internet content that have been blocked by litigation by Internet service provider (ISP) groups led by Comcast and Verizon, the Federal Communications Commission (FCC) voted along party lines on 5/15/14 to start a new round of this cycle.

This vote does not finalize new regulations, but instead opens the door for public comments over the next four months from the Nation's industry and consumer universe to guide the FCC's consideration of two options to once again attempt to devise rules to prevent ISPs from discriminating against smaller companies and restricting consumer choice.

Under the determined guidance of the FCC chairman, Thomas Wheeler, the two options were detailed at the FCC meeting. Hartford native and Wesleyan graduate, Commissioner Jessica Rosenworcel reluctantly voted in favor of this proposal, stating her view that due to the gravity and complexity of the topic, more time for examination is necessary.

The OCC favors the imposition of a reclassification of broadband as a public utility telecommunications service under the federal telecom statutes. This option has the best chance of the two to actually reduce the growing divisions between "haves" and "have-nots" of broadband services, a divide usually based on all-too familiar income or demographic lines.

The alternative concept upon which the FCC requests comments will require the ISPs to provide broadband consumers a basic level of unconstrained Internet access. As long as that condition is met, the ISPs would have the opportunity to pursue a favorite scheme of theirs, to also create a two-tiered system that divides the Internet into fast and slow lanes, basically by charging premiums to large-bandwidth users content providers businesses (e.g., Netflix, Amazon) to deliver their content via the fast lane.

*See:* How Net Neutrality Works (animation), NY Times, May 15, 2014:

<http://www.nytimes.com/2014/05/16/technology/fcc-road-map-to-net-neutrality.html?hp>

It is obvious that as the basic needs consumers have for their use of the Internet increasing demand streaming video (e.g., health services, education, and entertainment), prices must increase to cover the underlying costs of the content providers. Not only will this cause



lower-income subscribers to be shutout of “premium” content, but these fees will also create startup innovating competitors with market barriers to entry. In this future, a new Facebook or even a Google will find it difficult to ever compete with entrenched and wealthy incumbent providers.

While a new enforcement mechanism and appointment of a consumer ombudsman are proposed to investigate complaints, the high potential for increased consumer prices and reduced free speech, competition, and innovation require bold action by the FCC, now. The OCC and other consumer advocates believe that Internet access is a basic and necessary utility service, and that it should be accordingly regulated in order to prevent unreasonable and unjust discrimination. The OCC will work with our national organization, the National Association Of State Utility Consumer Advocates (NASCUA) to file comments with the FCC that reflect our great concern about this continuing battle between consumers and the deep-pocketed incumbent providers such as Comcast and Verizon.

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FCC NOTICE OF PROPOSED RULEMAKING, Adopted: May 15, 2014

Comment Date: July 15, 2014; Reply Comment Date: September 10, 2014

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<http://www.fcc.gov/document/protecting-and-promoting-open-internet-nprm>