



**STATE OF CONNECTICUT
OFFICE OF CONSUMER COUNSEL
NEWS RELEASE**

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FOR IMMEDIATE RELEASE

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**CONNECTICUT OFFICE OF CONSUMER COUNSEL AND ITS OFFICE OF
STATE BROADBAND JOIN FIGHT AGAINST DIGITAL DISCRIMINATION**

NEW BRITAIN, Conn. (July 1, 2022) – The Office of Consumer Counsel (OCC) and its Office of State Broadband (OSB) participated in a Notice of Inquiry issued by the Federal Communications Commission (FCC) concerning the Congressional mandate to eliminate “digital discrimination” in providing access to internet services. OCC/OSB filed Initial Comments with the FCC on May 16, 2022 and Reply Comments on June 30, 2022. The Notice of Inquiry set forth the FCC’s mandate “. . . to ensure that all people of the United States benefit from equal access to broadband internet access service,” with the intention of preventing and identifying steps the FCC should take to eliminate “digital discrimination of access based on income level, race, ethnicity, color, religion, or national origin,” consistent with Congress’s directive in the Infrastructure Investment and Jobs Act (Infrastructure Act).

OCC/OSB’s Initial Comments recommended some legal approaches under which the FCC may address digital discrimination consistent with long established principles in housing and employment discrimination cases. The Initial Comments also set forth a model policy for the FCC to consider adopting. Finally, OCC/OSB advocated for local enforcement of digital discrimination claims because the FCC would likely be unable to marshal the requisite resources to meaningfully combat discrimination in each part of the U.S.

The Reply Comments responded to contentions by or on behalf of major cable and telecommunications that digital discrimination was nearly non-existent given major financial investments by the industry in infrastructure over the past years. In the Reply Comments, OCC/OSB advocated for proactive elimination of digital discrimination supported by data-driven analysis and a dynamic complaint and enforcement system.

OCC/OSB also requested that the FCC examine the legacy state laws enacted in the mid-2000’s that were intended to provide major telecommunications companies a regulatory pass in order to get into the cable business. OCC/OSB recommended that the FCC “evaluates the transformation in state laws in the mid-2000’s for their potential impact on the digital discrimination that occurs today. To ease the entry into the wireline video service business, approximately 38 states, including Connecticut, enacted laws that allowed Verizon and AT&T to enter the video business without obtaining traditional cable franchises.” The Reply Comments explained that in Connecticut, those laws virtually removed the authority of relevant state and municipal

governmental agencies to ensure that service was made available to most, if not all, residences and businesses. As set forth in OCC/OSB’s comments, “[a]ccordingly, the franchising authority in Connecticut, which is the state utility commission, has been deprived of any meaningful opportunity to ensure that the State’s twenty-five distressed municipalities are being served with comparable network technologies than the more affluent Connecticut communities.”

According to Consumer Counsel Claire Coleman, “this FCC proceeding is one of the most significant in the 21st century. We cannot ensure digital equity among our populations without proactively pursuing legal and regulatory reforms and the elimination of all discriminatory practices.” Consumer Counsel Coleman also noted that “the Connecticut Conference of Municipalities (CCM) issued a study on Connecticut’s broadband digital divide in the fall of 2020 that found that the connectivity deficit falls hardest on low-income residents, older adults, and communities of color, and that about a 1/3 of LatinX and African American households were without access to broadband service.¹ This FCC proceeding promises to help close this access gap and prevent future discrimination here in Connecticut and across the country.”

In addition to Attorney Coleman, Attorneys Julie Datres and Burt Cohen and Research Analyst Rebecca Tamborra worked on the Initial and Reply Comments. The Comments may be found at [[5/16/2022](#) and [6/30/2022](#)].

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The Office of Consumer Counsel (OCC) is the State of Connecticut’s advocate for consumers on issues relating to electricity, natural gas, water, and telecommunications. For more information, visit www.ct.gov/occ.

¹ *The Digital Divide In Connecticut: How digital exclusion falls hardest on low-income households in cities, older adults, communities of color and students.*, John B. Horrigan, PhD., Sept. 2020.