



May 29, 2018

The Honorable Senator Holly J. Mitchell
State Capitol, Room 2062
Sacramento, CA 95814

Re: Strong Support for SB 822 – the California Net Neutrality Act

Dear Senator Mitchell,

Net neutrality is a critical racial justice issue that affects how communities of color connect and communicate online. This is why we urge you to support SB 822 (Wiener), the California Net Neutrality Act. SB 822 enshrines all of the critical net neutrality protections of the 2015 Open Internet Order at the state level, protecting our communities after federal protections expire on June 11. That is why we are writing to urge you to support SB 822.

The Center for Media Justice is a California based, black led organization that fights for racial and economic equity in a digital age. We boldly advance communication rights, access, and power for all communities harmed by persistent inequality and oppression by media and technology. For over ten years we have been the host of the Media Action Grassroots Network, the largest racial justice network for media, technology and cultural change in the United States. We have 100 member organizations nationwide and 3 that are based in your district including Dignity and Power Now, the Institute for Popular Education of Southern California, the Stop LAPD Spying Coalition.

The Federal Communications Commission Chairman Ajit Pai's decision to abolish net neutrality is part of the current agency's ongoing efforts to further the goals of the Trump Administration and push policies that target and punish the most vulnerable members of society.

Net neutrality protections enable people of color to speak for ourselves. We get to empower our own communities and tell our own stories without asking permission from broadband gatekeepers on whether our voices are worthy of being heard. We've used the open internet to organize and fight for our peoples' human rights and dignity. It has enabled us to say #MeToo and no to mass deportation, mass incarceration, the Muslim ban and the Dakota access pipeline.

SB 822, the only state-level net neutrality bill in the country that restores all of the 2015 net neutrality protections, is your chance to protect our communities in California. SB 822's comprehensive protections are already seen as a model for other states, and passing the bill in California sends a message to federal lawmakers that half-measures are not enough.

ISPs are determined to water down the protections, including the ban on access fees and the worst kinds of zero-rating, the practice of not counting certain data against a subscribers' monthly data cap.



ISPs like to claim that zero-rating is a boon for communities of color and low-income consumers, and that SB 822 would ban all zero-rating.

Both claims are false.

SB 822 does not prohibit all forms of zero-rating, and even explicitly allows zero-rating that benefits consumers, such as allowing ISPs to zero-rate all data during non-busy times on the network (such as late nights) so users can backup their data or schedule heavy downloads.

Despite ISPs' protests to the contrary, SB 822 does not prohibit an ISP from offering a plan that zero-rates all applications in a certain class - such as all video or music applications. SB 822, following the 2015 order, simply says that those plans are subject to oversight to make sure that all services in a category, such as streaming radio stations serving communities of colors, have an equal chance to be heard.

The bill does explicitly ban discriminatory zero-rating schemes in which an ISP picks which websites or applications to zero-rate; when ISPs get paid to zero-rate a service, or when ISPs zero-rate their own services. Each of these kinds of zero-rating advantages deep-pocketed incumbents at the expense of everyone else, including independent creators and entrepreneurs of color.

By setting aside data that can only be used for the zero-rated services, these plans limit the ability of consumers to use their data the way they want, whether that is doing homework, participating in an online community or staying in touch with loved ones. Instead of offering higher data caps or uncapped data plans that low-income people need to truly bridge the digital divide, ISPs paternalistically push people of color and those with low-incomes to consume the data and media the ISPs prefer. In AT&T's case, zero-rating DirectTV advantages mainstream television at the expense of online media created by people of color and has no value at all for low-income people who cannot afford a DirectTV subscription.

Speakers and creators of color are less likely to be able to pay to be zero-rated and less likely to be picked by ISPs to be zero-rated without payment. Thus, these discriminatory zero-rating schemes make it harder for people of color to be producers, not just consumers, of media content, weakening their ability to influence public conversations about race and justice.

Harmful zero-rating schemes also incentivize ISPs to keep customers' data caps low in order to motivate deep-pocketed websites to pay to have their sites zero-rated. In countries that have banned zero-rating, ISPs have increased customer data caps and lowered the prices for unlimited plans (where zero-rating isn't attractive at all).

Artificially low data caps hit low-income populations and communities of color hardest. These groups more frequently rely on their mobile devices for their entire Internet experience and, are much more likely to hit their data cap and suffer exorbitant overage fees or simply go without vital connectivity.

Net neutrality protections are essential for communities of color to organize and fight for racial justice. That includes being able to tell and hear our own stories without gatekeepers deciding which voices deserve to be heard.



We ask that you support SB 822 and reject the Trump administration's assault on the communications rights of people of color. AT&T cheered on the FCC's decision to undo decades of net neutrality protections our communities relied on, and AT&T's protestations that its zero-rating programs help our communities are neither true nor genuine.

You have the power to protect the rights of California's communities of color to speak, to be heard, to organize and to fight. We urge you to use that power by voting for SB 822.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Renderos', written over a horizontal line.

Steven Renderos, Organizing Director
Center for Media Justice