

ConsumersUnion®

THE ADVOCACY DIVISION OF CONSUMER REPORTS

August 10, 2018

The Honorable Edmund G. Brown
Governor of California
State Capitol, Room 1173
Sacramento, CA 95814

The Honorable Anthony Rendon
The Speaker of the California Assembly
State Capitol, Room 219
Sacramento, CA 95814

The Honorable Toni Atkins
The President Pro Tempore of the California Senate
State Capitol, Room 205
Sacramento, CA 95814

RE: Support for SB 822 (Wiener) and SB 460 (De León) – California Net Neutrality Act

Dear Governor Brown, Speaker Rendon, and Senator Atkins:

California has a rare opportunity to stand up and support consumers in the face of the massive wave of deregulation that has swept over Washington in the past 18 months. Passing strong, enforceable net neutrality protections to ensure an open internet for consumers, free of interference by ISPs that Americans already pay a monthly fee to get online would be a huge victory for consumers.

We, the undersigned public interest organizations, therefore write to express our strong support for SB 822 and SB 460. Combined, the two bills—both of which passed the California Senate earlier this year—will comprehensively restore the net neutrality protections embodied in the Federal Communications Commission’s 2015 *Open Internet Order* for Californians. This is necessary because the federal rules were repealed last December by the new leadership of the Commission with the support of nation’s largest internet service providers (ISPs).

Net neutrality is the simple principle that consumers—and not their ISPs—get to choose what apps, services and websites they want to use. Net neutrality also ensures that competition and the free market, not backroom agreements and self-dealing by ISPs, determine winners and losers online, and that all voices, including those of speakers without deep pockets, have a fair chance to be heard online.

The California bills successfully translate these protections into legislative language by prohibiting ISPs from blocking, slowing down or speeding up websites, apps, and classes of apps; charging websites for access to the ISPs’ customers or for prioritized access to those customers; circumventing net neutrality rules through interconnection practices; and engaging in abusive zero-rating practices that ultimately limit consumer choice and competition.

California consumers and businesses alike need and will benefit from the protections that SB 822 and SB 460 will provide, and we fully endorse the efforts of California to enact strong net neutrality protections. This pro-consumer legislation would preserve open internet that is vital to consumers' everyday experience. Consumers benefit when the internet is a level playing field and not a place where ISPs can pick winners and losers by blocking or throttling competitors, or by charging websites and services access fees that will harm startups and small businesses and ultimately will be passed on to consumers.

We urge you to resist efforts by ISPs or others to amend SB 822 and SB 460 in an attempt to weaken the legislation. Such tactics will only serve to dilute a full restoration of net neutrality in California. Net neutrality protections work as a whole. Removing some protections could render the entire regime meaningless by allowing ISPs to reach the same result in a different way.

We are pleased by recent reports¹ that the amendments passed in the Assembly's Communications and Conveyance Committee in late June—amendments that we believe significantly weakened SB 822—have been agreed to be essentially undone. We are also encouraged that SB 822 and SB 460 will be joined moving forward and considered as a whole, and, if passed by the Assembly and signed into law, will represent a genuine restoration of net neutrality for the citizens, consumers, and small businesses of California.

Please do not hesitate to contact us should you wish to discuss any of the matters discussed above, or should you wish our assistance to see SB 822 or SB 460 enacted into law.

Sincerely yours,

Access Humboldt
California Clean Money Campaign
Consumer Federation of California
Consumers Union
Fight for the Future
Indivisible CA: StateStrong
New America's Open Technology Institute
Public Knowledge

If you would like to confirm the support of any of the signatories, please contact Jonathan Schwantes at jonathan.schwantes@consumersunion.org.

¹ Melody Gutierrez, *California Net Neutrality Bill Strengthened After Lawmakers Reach Deal*, San Francisco Chronicle (July 5, 2018) <https://www.sfchronicle.com/business/article/Wiener-Santiago-reach-deal-on-California-net-13051370.php>; see also: Levi Sumagaysay, *Net Neutrality: California Lawmakers Reach Deal to Revive Bill*, (July 5, 2018) <https://www.mercurynews.com/2018/07/05/net-neutrality-california-lawmakers-reach-deal-to-revive-bill/>.