

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Restoring Internet Freedom)	WC Docket No. 17-108
)	

COMMENTS OF UNITED STATES SENATOR KAMALA D. HARRIS

California has a special relationship with the Internet. Many of the core technologies that power the Internet were invented here. Many of the most successful online entrepreneurs and content creators—in business, the arts, and countless other endeavors—got their start here. California is not just the Golden State. We are also the Internet State.

This proposal by the Federal Communications Commission would dismantle strong and enforceable net neutrality rules. The proposal is a grave threat to the Internet’s success, and to California’s future. Broadband service providers—the gatekeepers to the Internet—have the technical means and business incentive to distort the online marketplace. If the FCC adopts this proposal, it will imperil the engine of California’s economy and the platform for California’s extraordinary entrepreneurship and creativity.

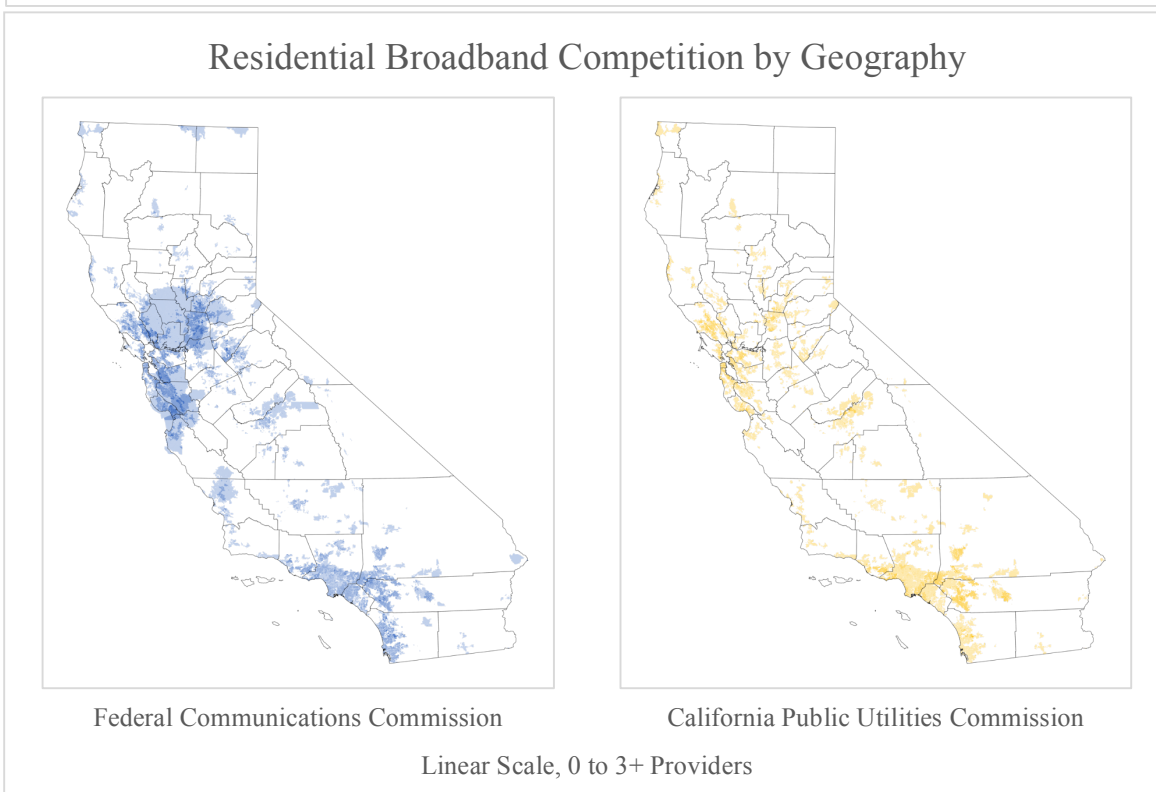
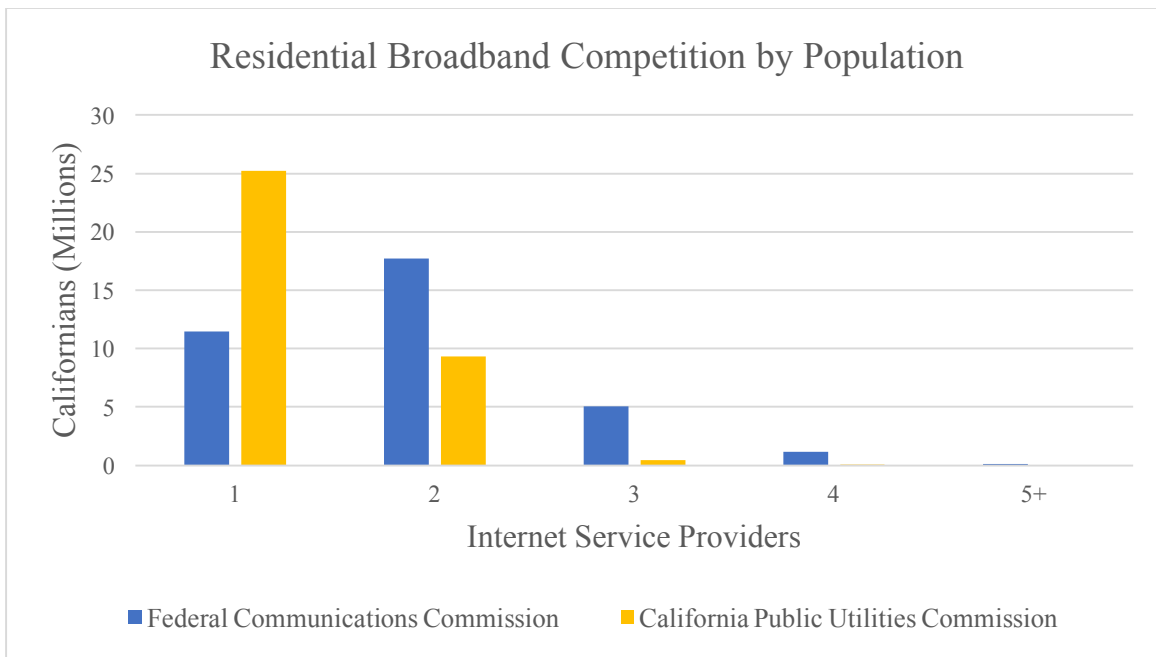
More than 700,000 fellow Californians—and more than 8 million fellow Americans—have already submitted comments in response to this misguided proposal. Today, I add my voice to theirs, and I urge the Commission to uphold its foundational protections for a fair online marketplace. Broadband providers must not be allowed to tilt the competitive playing field by blocking or throttling their competitors, prioritizing their own offerings, or otherwise unreasonably interfering with lawful content. Title II of the Communications Act is currently the only legal basis for establishing those vital protections for America’s consumers and businesses, and so I also urge the Commission to maintain that legal foundation.

I have confidence that the millions of Americans commenting in this proceeding will continue to highlight why net neutrality is important for innovation, free speech, and consumer protection. I agree with those principles—as did the FCC, when it adopted net neutrality protections in the 2015 Open Internet Order. In this comment, I will briefly highlight several considerations that are specific to California.

First, California consumers lack adequate competition in broadband service.¹ According to my analysis of FCC and California Public Utilities Commission filings, at least one third of

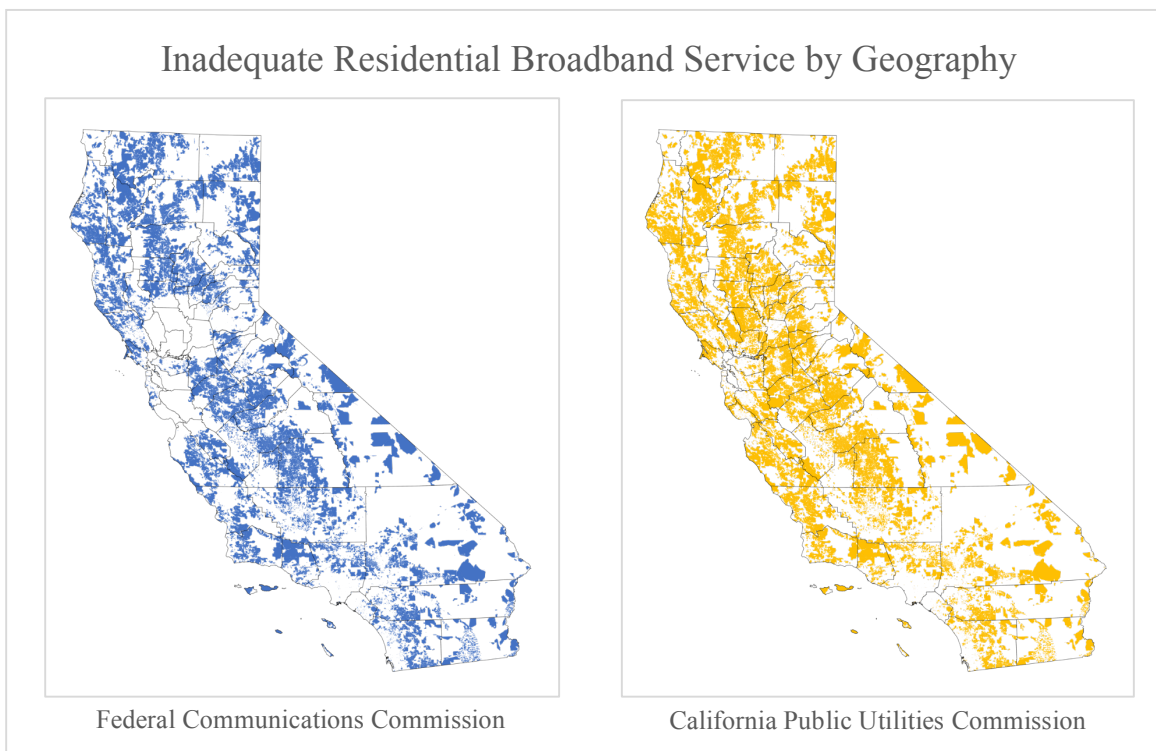
¹ The statistics and figures in this comment rely on the latest FCC Form 477 filings (June 2016), the latest CPUC Data Request filings (December 2015), the latest Census block populations and boundaries (2010), and the latest USGS state and county boundaries (2014). The analysis includes all residential broadband providers that serve consumers, offer at least one plan that meets the FCC’s minimum broadband benchmark (25 Mbps download, 3 Mbps upload), and do not deliver service via satellite or mobile wireless (owing to latency and use limits). For a

Californians have at most one residential service provider that offers a modern level of broadband performance. Over 80 percent of Californians are stuck with a choice of, at most, just two residential service providers. In this vacuum of alternatives, the free market cannot correct for anticompetitive business practices.



complementary quantitative analysis of the California broadband market, see James E. Prieger, *The Growth of the Broadband Internet Access Market in California* (Apr. 11, 2016).

Second, there remains a stark digital divide in California. In many regions of the state, Internet service is incredibly slow—and in some there is no access at all. The FCC’s current approach to net neutrality, under the Open Internet Order and Title II of the Communications Act, enables the Commission to fully direct its infrastructure support activities to broadband deployment. That means greater access to broadband for low-income families, rural businesses, and most importantly, our schools.² Rolling back the Open Internet Order would only widen the digital divide.



Third, a threat to the open Internet is a threat to California’s economy and workforce. There are more than one million Californians working in the technology sector—the most of any state, by nearly double.³ Another million Californians now hold technology jobs in other sectors.⁴ This economic boom is not confined to Silicon Valley and Silicon Beach; startups and technology jobs are popping up throughout the state.⁵ California is also home to brilliant content creators who rely on a free and open Internet to entertain and educate the world. The pace of Internet-driven innovation throughout California’s economy is extraordinary. At best, rolling back net neutrality would inject business and investment uncertainty into the core of the state’s economy. At worst, it could stunt California’s growth.

² For additional detail on California K-12 schools that lack adequate broadband connectivity, see EducationSuperHighway, Close the Gap in California, <http://www.compareandconnectk12.org/2016/CA>.

³ CompTIA, CYBERSTATES, <http://www.cyberstates.org/>.

⁴ *Id.*

⁵ MICHAEL MANDEL, PROGRESSIVE POLICY INST., THE REBALANCING OF THE CALIFORNIA ECONOMY: HOW INTERNET/TECH JOBS ARE SPREADING ACROSS THE STATE (2013), http://www.progressivepolicy.org/wp-content/uploads/2013/05/2013-5-Mandel_Rebalancing-of-the-California-Economy.pdf.

Fifty years ago, California researchers invented the Internet. Today, California's engineers, entrepreneurs, and artists continue to invent the future. This misguided proposal is a direct threat to what we have accomplished and the future prosperity of our state. I stand with Californians in their support of an open and fair Internet, and I encourage my fellow Californians to continue making their voices heard.

A handwritten signature in blue ink, appearing to read 'Kamala D. Harris', with a stylized flourish at the end.

KAMALA D. HARRIS
United States Senator for California

Filed July 17, 2017