Arielle Roth

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Re. WC Docket No. 17-108; Restoring Internet Freedom

Ms. Marlene Dortch, Secretary

Federal Communications Commission

445 12th Street, SW

Washington, DC 20554

Dear Ms. Dortch:

In its Notice of Proposed Rulemaking in the above-referenced Restoring Internet Freedom proceeding, the Commission seeks comment on whether Constitutional provisions or other federal laws are inconsistent with rules prohibiting blocking, throttling, and paid-prioritization.

I submit for inclusion in the record my article for CapX, “[Net Neutrality’s Religious Freedom Problem](https://capx.co/net-neutralitys-religious-freedom-problem/),” which argues that the bright-line no-blocking rule is incompatible with the Religious Freedom and Restoration Act (RFRA).

Religious broadband providers such as Jnet and True Vine Online, which offer content filtering as an integral and essential part of their broadband services, would be proscribed under the Commission’s existing rules. However, since RFRA prohibits the federal government from burdening an individual’s religious exercise, a religious broadband provider would likely be successful in seeking an exemption to the prohibition against blocking.

Note that a victory under RFRA would implicitly acknowledge that these broadband providers are not merely “dumb pipes,” but possess an interest in exercising editorial control over network content. This would in turn suggest that the Supreme Court’s *Turner Broadcasting* precedent extends to broadband providers, and that the FCC’s bright-line rules raise serious First Amendment concerns.

Thank you for including this submission in the Restoring Internet Freedom record.

Sincerely,

Arielle Roth

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