

## United States Senate

August 30, 2017

The Honorable Ajit Pai, Mignon Clyburn, Michael O’Rielly,  
Brendan Carr, and Jessica Rosenworcel  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554

Subject: WC Docket No. 17-108

Dear Commissioners:

I add my voice to the millions of Americans who have participated in this public comment period to express support for the Commission’s existing open internet protections. I am concerned that the Commission’s current proposals are based on a misunderstanding of how net neutrality has affected the country, including its impact on the U.S. economy and the lives of ordinary Americans.

As a senator from Hawaii and the ranking member of the Senate Subcommittee on Communications, Technology, Innovation, and the Internet, I have heard from a wide range of stakeholders on the FCC’s ongoing rulemaking. The overwhelming majority of these stakeholders—including my constituents and representatives from a range of industries, public interest groups, and academia—have expressed concerns about the current proposals to dismantle the 2015 Open Internet Order and hamstring the FCC’s role in protecting the free and open internet.

Many are particularly worried what those proposals would mean for the daily lives of Americans and to the future of the internet. For example, businesses and consumers rightfully fear a “pay-to-play” internet, in which internet service providers (ISPs) can create fast lanes for favored content, while impeding those not favored in a slow lane. While larger companies that rely on high speeds for applications like video streaming and cloud services would be able to pay for faster service, small businesses and emerging companies would not. Ultimately, the American consumer would suffer.

The stakeholders I have heard from also voice concerns that, without enforceable net neutrality protections, ISPs could prevent their customers from accessing certain types of content, which could ultimately limit the use of the internet as a platform for organizing and freely exchanging of ideas. This possibility threatens fundamental internet freedoms, as well as the internet’s future as a key communications platform.

Repealing or undermining the current protections would cause particular harm to my state of Hawaii. As the most isolated, populated place in the world, Hawaii has a unique reliance on the connectivity provided by the internet. Hawaii's many small businesses use the internet's level playing field, which is protected by strong net neutrality rules, to compete with large corporations and grow their customer base. The loss of existing protections would harm employers in industries including hospitality, retail, food services, and real estate. Meanwhile, Hawaii's rural population relies on the internet for everyday essentials, such as accessing government services and communicating with health care providers. Without strong net neutrality rules, local patients and providers risk being left with limited, costlier options for their care.

As the Commission reviews the record and considers next steps in this proceeding, it should also take a broader view of "economic impact" than what is described in the notice of proposed rulemaking (NPRM). The NPRM is premised on the notion that "the Commission's *Title II Order* has put at risk online investment and innovation." The NPRM purports to buttress this claim with data related to the alleged decline in investment in broadband networks among ISPs. Not only have economic studies and direct statements from senior executives of the major ISPs disproven this decline in investment narrative, it is also based on the flawed premise that broadband investment is the only measure of growth. This proceeding must consider other material measures of growth, including the ways in which strong net neutrality protections have enhanced market access and innovation. Net neutrality has spurred the culture of "tech disruptors" that makes our digital economy the envy of the world. It has enabled the environment for startups to challenge incumbents and for small businesses such as farmers and small retailers to create online marketplaces. Those economic factors are immense and must be considered as part of this record.

The United States' economic success and social gains over the past few decades can be attributed in large part to the free and open internet as we know it. The existing net neutrality protections protect this foundation and the connected society that we all enjoy. Eliminating these rules and removing the FCC as a cop on the beat would be a costly mistake.

Sincerely,



---

BRIAN SCHATZ  
United States Senator