Before the

Federal Communications Commission

Washington, DC 20554

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| In the Matter of  Restoring Internet Freedom | )  )  )  ) | WC Docket No. 17-108 |
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RePLY COMMENTS OF THE League of United Latin American Citizens

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The League of United Latin American Citizens (LULAC), this nation’s largest and oldest Latino civil rights organization, would like to once again take this opportunity to reiterate the following points in response to the Federal Communications Commission’s Notice of Proposed Rulemaking in the above-captioned proceeding.

The League of United Latin American Citizens (LULAC) strongly supports universal access to a free and open Internet that protects the interests of consumers and provides all Americans with a chance to participate in the Internet economy on a level playing field.

We believe that the Internet of today remains far from this ideal, even with the existing Net Neutrality rules in place, given a persistent digital divide and an Internet ecosystem that is dominated by large non-diverse content providers. While the FCC’s NPRM states that “Americans cherish a free and open Internet,” the question the Commission should be asking is whether today’s Internet really is free for consumers and whether it is really open to all Americans equally regardless of race, age and income. We believe the answer to both questions is no and we believe the status quo is unacceptable.

None of the comments in the record so far have offered any evidence that the reclassification of Internet service providers under Title II have lowered the prices that consumers pay for broadband internet access nor have they offered evidence that this reclassification has had a positive impact on the digital divide. To the contrary the dominance of the internet by large content providers has only accelerated under Title II and evidence that diverse content providers are successfully competing against these dominant content providers is completely absent from the record.

For this reason, we welcome the opportunity to submit these reply comments to the Restoring Internet Freedom NPRM which revisits the reclassification of Internet service providers under Title II. We ask the FCC to consider the following points during its rulemaking process.

**Broadband Access**

Today broadband access to the Internet is essential to creating educational and workplace opportunities for families. Those families who lack access or can’t afford a broadband connection face significant obstacles to success in school and in the workplace in addition to facing reduced access to health care, shopping, banking, entertainment and many other services. Other than the expansion of Lifeline to include data access, LULAC does not believe that the reclassification of Internet service providers under Title II has had a significant beneficial impact at closing the digital divide. In fact, by raising costs, reducing broadband investment and discouraging innovative cost sharing solutions such as Zero rating, Title II has likely slowed down progress at closing the digital divide rather than accelerating it.

On the other hand, a return to a light-touch regulatory framework, by itself, does not guarantee an acceleration of broadband adoption. For this reason, LULAC supports a statutory solution from Congress that pairs a balanced regulatory regime with specific benchmarks for increasing broadband access and adoption that will bring the United States closer to ending the digital divide.

This regulatory framework must include strong consumer protections, incentivize investment and innovation, and encourage broadband adoption by diverse underserved households through affordable access and the promotion of relevant content. Only then can we say the Internet is truly open to all.

**Privacy**

The Commission proposes to return jurisdiction over Internet service providers’ privacy practices to the FTC. On the one hand, LULAC supports this proposed change so that the entire Internet ecosystem is regulated by the same set of privacy rules. On the other hand, we find the FTC’s protection of consumer privacy severely inadequate to the point that the very idea of privacy on the Internet today is somewhat of a bad joke with most consumers forking over gigs of their private data to virtually any content provider that demands access to it in return for unlocking the desired content.

Once again, we believe Congressional action is needed to protect consumer privacy and to consider whether consumers have a right to control their own personal data, requiring permission and compensation from companies who wish to use it. Given the ever-expanding revenue stream generated from the buying and selling of consumer created data on the Internet, we envision a time when royalties for access to this data could be used to cover all or part of the typical family’s broadband access charges.

**Employment Discrimination and Lawful Service**

One of the primary reasons given for the need for strong Network Neutrality Rules is that the rules guarantee an Internet open to all and a level playing field in which every content provider can compete on an equal footing. Yet surprisingly, the tech industry in Silicon Valley, which disproportionately generates much of the content consumed by Americans, is amongst the least diverse sectors of the American economy. According to data from the U.S. Equal Employment Opportunity Commission, blacks and Hispanics represent only 1.9 percent and 4.4 percent, respectively, of the professional-level workforce—both tech and nontech positions—at the headquarters and local branches of the top 75 Silicon Valley tech firms.

In addition, just five Internet content companies collect more than 70% of the revenue garnered off the Internet and just two collect more than half.

The comments from Public Knowledge and Free Press overstate and gloss over the ability of small startups and diverse content providers to compete with the dominant internet content companies under Title II even as they contend that preserving this level playing field is the main rational behind the need for Title II. Public Knowledge simply states that small startups have “thrived” since the Title II reclassification of ISPs without providing any evidence to support this contention. Free Press makes the claim that Title II “allows a small Spanish language online video service to compete for viewership with the likes of the broadcast networks” again without any evidence to show that this is actually happening.

Yet clearly, the FCC’s existing Network Neutrality Rules are not enough to stop non-diverse monopolies from commandeering the Net. Consequently, LULAC encourages the FCC and Congress to develop incentives to increase diversity in the tech sector and to change the winner-take-all mentality of the largest Internet content providers. One possible strategy would be to redefine a “lawful” service eligible for Network Neutrality protections as one that does not engage in discriminatory employment practices against minorities.

**New Deal**

The FCC and Congress need to act now to protect the promise of a diverse and open Internet. Rather than limit your deliberations as to whether Network Neutrality Rules should be enforced through Title II or with a light touch, the FCC must question whether the existing rules are working as advertised or whether the Internet is fast becoming the most significant 21st century barrier to opportunity for low income and diverse Americans.

It is LULAC’s belief that America’s Internet consumers and would be consumers need a New Deal that puts their interests first before the well-heeled interests on both sides of this debate. A pro-consumer New Deal would focus on access, adoption, affordability and privacy. It would promote diversity throughout the industry and ensure that all Americans can be creators of content and benefit from the net economy.

We encourage the FCC to move forward with this rulemaking in a bipartisan consensus manner and to adopt rules that can have staying power with the courts and with future administrations. Similarly, Congress should seek to pass a bi-partisan New Deal bill for the Internet that would codify Net Neutrality rules and incentivize diversity and broadband adoption and thus provide a more permanent pro-consumer resolution to the rules governing the Internet.

LULAC intends to represent the interests of Latino consumers, employees and entrepreneurs in this discussion with an eye to changing the dialogue for their benefit. We look forward to engaging in a thoughtful, inclusive and civil discussion of the issues outlined above.