



December 7, 2017

Mr. Ajit Pai  
Chairman, Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20510

**Re: Restoring Internet Freedom Draft Order (WC Docket No. 17-108)**

Dear Chairman Pai,

We are writing to you on behalf of the National League of Cities and The United States Conference of Mayors to express our opposition to the recently-released “Restoring Internet Freedom Draft Order” (“Proposal”). As the nonpartisan representatives of the nation’s municipal elected officials, we believe that this proposal inappropriately preempts local authority, while creating the great possibility that consumers will not be able to look to any level of government – federal, state, or local – for protection in their dealings with internet service providers.

We disagree that this proposal will adequately protect broadband customers. As we read the order, the proposal greatly hampers federal consumer protection for broadband consumers, both by permitting a range of behaviors prohibited under the 2015 Open Internet Order, including blocking, throttling, and paid prioritization by ISPs, while also limiting the federal mechanisms for oversight.

We are concerned that protection solely by the Federal Trade Commission, particularly after the Ninth Circuit’s recent “common carrier” decision, will effectively be nonexistent for the many consumers whose only broadband option is through an ISP that also provides common carrier services. If the Federal Communications Commission relinquishes consumer protection oversight of ISPs to the FTC, the FTC may not be able to pursue action against many of the largest broadband providers because of their common carrier services.

In addition, the FTC’s potentially-limited oversight threatens much less protection to city residents. By allowing providers to set their own voluntary commitments to consumers, our residents will only have access to remedy from the FTC *after* harm has occurred, rather than preventing it in the first place. In addition, those voluntary commitments from providers could be changed at any time, rendering them meaningless to consumers without more robust competition in the broadband marketplace.

We are also concerned that this proposal sets in motion broad unnecessary preemption of local authority over broadband services. State and local governments have traditionally regulated the infrastructure built in their jurisdictions, and provided protections to their residents who purchase broadband services. The order’s broad language intending “to preempt any state or local requirements that are inconsistent with the federal deregulatory approach” is a sweeping overreach that seems to intend to weaken or eliminate any local authority over broadband services at all, even those traditionally reserved under Sections 152(b), 253(c), 332(c)(3), and 332(c)(7).

City residents – broadband consumers – reasonably expect that their broadband subscriptions will purchase fair, unfettered access to the internet, and that government watchdogs will protect them from industry abuses. Without robust oversight from federal agencies, and by preventing state and local governments from serving as a backstop, our residents can no longer expect that protection. For these reasons, we object to this proposal as currently written, and urge you to develop an order that addresses the issues we have identified above.

Respectfully submitted,



Clarence Anthony  
CEO and Executive Director  
National League of Cities



Tom Cochran  
CEO and Executive Director  
The United States Conference of Mayors

CC     Commissioner Brendan Carr  
         Commissioner Mignon Clyburn  
         Commissioner Michael O’Rielly  
         Commissioner Jessica Rosenworcel