Letter to Wheeler on NPRM
May 9, 2014

Edward J. Markey

Jeff Merkley

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Richard Blumenthal

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Item 6

Tomorrow Could Be the Beginning of the End for Net Neutrality. You Should Be Worried.

Al Franken
U.S. Senator from Minnesota
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Tomorrow is an important day for the future of the Internet. That's when the Federal Communications Commission (FCC) will cast a crucial vote that could send us down a dangerous and misguided path toward destroying the Internet as we know it. That path could end with an Internet of haves and have-nots, with big corporations deciding who falls into which camp, all based on the amount of money they pay. I'm urging the FCC to take a different course -- one that preserves the Internet as an open marketplace where everyone can continue to participate on equal footing, regardless of one's wealth or power.

Tom Wheeler, the FCC's chairman, has a proposal that would undermine net neutrality, the principle that all Internet traffic must be treated equally. Net neutrality is embedded in the foundational architecture of the Internet, and it has served us well. Because of net neutrality, an email from my constituent in rural Minnesota gets to me as quickly as an email from my bank. Because of net neutrality, the website for the small neighborhood hardware store loads just as quickly as that of a major retail chain. Because of net neutrality, you were able to access this op-ed, even if your Internet provider doesn't like what I have to say.

Net neutrality has made the Internet a platform for innovation and economic growth. For example, YouTube started as a relatively small outfit above a pizzeria in a strip mall. YouTube wanted to compete with Google, which had an online video product called Google Video (later Google Videos). Net neutrality guaranteed that YouTube's and Google's videos would travel to consumers at the same speeds. Google wasn't able to pay for a fast lane or any other unfair advantage. Even though Google was a bigger, wealthier, more established company, it had to compete with YouTube on a level playing field. And YouTube ultimately won because it offered a better product.

That's what net neutrality is all about. There's not one Internet for deep-pocketed corporations and a separate Internet for everyone else -- there's the Internet, and it belongs to all of us. That's the way it's always been. And that's the way it should continue to be.

But the FCC could change all of that by giving big Internet providers -- corporations like Comcast, Time Warner Cable, AT&T, and Verizon -- the power to pick and choose which traffic reaches consumers quickly--and which doesn't. The Chairman's plan would authorize pay-to-play arrangements. Here's how it would work: a big corporation would give the Internet providers extra money, and, in return, the Internet providers would give the corporations priority access on the Internet -- special treatment that wouldn't be available to those who can't afford to pay the gatekeeper. That's not net neutrality; it's greasing the bouncer.

Chairman Wheeler's proposal would put start-ups and small businesses at a huge disadvantage. And the new costs created by this scheme will be passed along to consumers, who already are being squeezed by their cable and Internet bills. Big corporations will win; everyone else will lose. Americans never have tolerated this sort of thing, and we shouldn't start now, especially as the biggest Internet providers are trying to get even bigger through mega-mergers.

There aren't many places left where every American can participate on an equal footing with deep-pocketed corporate interests. Our campaign finance laws are in shambles, giving uber-wealthy, often-anonymous groups free rein to amplify their voices over those of the general population. Our tax code is littered with special benefits for special interests. The rules of our civil justice system have been rewritten to insulate corporations from wrongdoing against workers and consumers. But the Internet remains an arena where the quality of one's products, the value of one's services, and the persuasiveness of one's ideas matter more than the depth of one's pockets. The FCC needs to keep it that way.

CORRECTION: *An earlier version of this post erroneously referred to Google Video (later Google Videos) as Google TV, which is a separate product. The post has been updated accordingly.*

Item 7

Sen. Franken Helps Introduce Landmark Net Neutrality Legislation

Bill Would Help Ensure That Consumers Can Access All Content Equally; Prevent a "Pay-to-Play" Internet

Tuesday, June 17, 2014

Today, U.S. Sen. Al Franken (D-Minn.) helped introduce a landmark piece of legislation to help keep access to the Internet equal for consumers in Minnesota and across the country.

The *Online Competition and Consumer Choice Act*, introduced by Sen. Franken alongside original authors Sen. Patrick Leahy (D-Vt.) and Rep. Doris Matsui (D-Calif.), bans pay-to-play agreements that let deep-pocketed corporations deliver their content on an Internet "fast lane" that small businesses in Minnesota can't afford to compete with. The bill would help ensure that consumers can access all Internet content equally, spurring competition and allowing the Internet to continue as a marketplace of innovation.

"Net neutrality is the principle that all Internet traffic must be treated equally," said Senator Franken, who chairs the Judiciary Subcommittee on Privacy, Technology and the Law. **"And that's the way it should be-the website of a Minnesota small business should load as quickly as the website of a large business. Since the FCC's rules for net neutrality were struck down earlier this year, I've been fighting hard to make sure that the Internet remains an open marketplace where everyone can participate on equal footing. Our bill would be a huge step towards preserving the Internet as we know it."**
The *Online Competition and Consumer Choice Act* would require the Federal Communications Commission (FCC) to prohibit paid prioritization agreements between Internet Service Provider's (ISP) and content providers. In addition, it would prohibit broadband providers from prioritizing or otherwise giving preferential treatment to its own Internet traffic or the traffic of its affiliates over the traffic of others.

Sen. Franken has long been one of Congress' most vocal proponent of net neutrality. Earlier this year, a federal appeals court struck down the FCC's rules for net neutrality, which Sen. Franken helped strengthen in 2010. The court's decision was a major setback for Minnesota consumers and small businesses, threatening the architecture of the Internet. In response, Sen. Franken called on the FCC to take appropriate action to preserve equal access to the Internet. In April, Sen. Franken wrote to FCC Chairman Tom Wheeler, saying that his proposal to allow corporations to pay for preferential treatment on an Internet fast lane was misguided, and urged him to change course. You can read Sen. Franken's letter here.

Sen. Franken has said net neutrality is the principle that the Internet belongs to the people, not huge corporations. That means Internet Service Providers can't pick and choose what content will reach

consumers. Sen. Franken has also said that net neutrality is the free speech issue of our time, calling the Internet the public square of the 21st century and a marketplace for new businesses and new ideas.

You can read an op-ed Sen. Franken recently authored to outline his argument for preserving an open, equal Internet here.

Press release available at: http://www.franken.senate.gov/?p=press_release&id=2862

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113TH CONGRESS
2D SESSION

S. 2476

To direct the Federal Communications Commission to promulgate regulations that prohibit certain preferential treatment or prioritization of Internet traffic.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2014

Mr. LEAHY (for himself, Mr. FRANKEN, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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A BILL

To direct the Federal Communications Commission to promulgate regulations that prohibit certain preferential treatment or prioritization of Internet traffic.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Online Competition and Consumer Choice Act of 2014".