

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
 )  
Restoring Internet Freedom ) WC Docket No. 17-108

**COMMENTS OF VOICES FOR INTERNET FREEDOM COALITION, *ET AL.***

[National Hispanic Media Coalition; Free Press; Center for Media Justice; Color of Change; 18MillionRising.org; Access Humboldt; Allied Media Projects; Appalshop; Arts & Democracy; BYP100; Center for Media Justice; Center for Social Inclusion; Chinese Progressive Association; Color of Change; Common Cause; Common Frequency; #Cut50; DigiColor; Dignity and Power Now; Dream Corps; Equality Labs; Families for Freedom; Families Rally for Emancipation and Empowerment; Forward Together; Generation Justice; Global Action Project; Hollaback!; Human Pictures; Ignite NC; Instituto de Educacion Popular del Sur de California (IDEPSCA); KRSM Radio; LatinoRebels.com; Line Break Media; Livier Productions, Inc.; #LoveArmy; May First / People Link; Media Action Center; Media Alliance; Media Mobilizing Project; MPower Change; MomsRising.org; Movement Strategy Center; Native Public Media; New Sanctuary Coalition; Open Access Connections; OVEC - Ohio Valley Environmental Coalition; Parks and Power; People's Action; Presente.org; Race Forward; Prometheus Radio Project; Rebuild the Dream; Somos Un Pueblo Unido; Stop LAPD Spying Coalition; United Church of Christ, OC Inc.; Urbana-Champaign Independent Media Center; Voices for Racial Justice; Washington Peace Center; The Whitman Institute, WFNU Frogtown Community Radio; WITNESS; Working Narratives; #YesWeCode]

Marianna Elvira  
Law Student  
Florida State University College of Law

Carmen Scurato, Esq.  
Francella Ochillo, Esq.  
Maria "Gloria" Tristani, Esq.  
National Hispanic Media Coalition  
65 South Grand Avenue, Suite 200  
Pasadena, CA 91105  
(626) 792-6462

Leo Fitzpatrick  
Law Student  
American University, Washington College of  
Law

Jessica J. González  
Joseph A. Torres  
Free Press  
1025 Connecticut Avenue, N.W., Suite 1110  
Washington, D.C. 20036

July 19, 2017

Counsel to Voices for Internet Freedom  
Coalition *et al.*

## **EXECUTIVE SUMMARY**

The story of how Black Girls CODE came into existence perfectly exemplifies why Net Neutrality is so critical to people of color. Black Girls CODE aims to increase the number of women of color in the digital space by empowering girls of color ages seven to seventeen to become innovators in STEM fields, leaders in their communities, and builders of their own futures through exposure to computer science and technology. It provides African American youth with the skills to occupy some of the 1.4 million computing job openings expected to be available in the U.S. by 2020 and aspires to train 1 million girls by 2040. Since its founding in 2011, it has opened doors for Black girls and changed the narrative of Black girls online. Before 2011, a Google search for “Black girls” would autocomplete negative search results like “Black girls dumb” and “Black girls ugly.” Today, “Black Girls CODE” is consistently in the top three search results. The path to creating Black Girls CODE was rocky. Idalin Bobe, former Community Manager and founding Staffer at Black Girls CODE explains: “when we first started, no one was funding us. We went from foundation to foundation, they said ‘change your name. One word out of your name.’ Guess what that word was. Change ‘Black.’ . . . We raised on crowdfunding campaigns \$125,000 to educate 3,000 young girls of color across the nation. That was the Net that did that.”

Here, the Voices Coalition will raise and bring into focus the stories of hundreds of people of color whose lives have been transformed by bright-line Net Neutrality rules and the classification of broadband Internet access providers as common carriers under Title II of the Communications Act.

We have seen, first-hand, how the open Internet has empowered people of color with new opportunities for self-expression, entrepreneurship, political participation, education, employment, housing, healthcare, racial justice, and many other vital human needs. On the other hand, we have witnessed, too, what happens when the powerful few control who is heard in the media. For instance, the vast majority of mainstream media owners and decision makers are white men, and on those platforms we are not able to control our own narratives, we are often absent or dehumanized, we are criminalized, we are habitually painted as threats and as the “others.” The open Internet is our digital oxygen in these debates, and the Commission’s proposal threatens to take it away.

The Voices for Internet Freedom Coalition is led by and for people of color. It is comprised of civil rights, human rights, racial justice, public interest and community-based organizations, and diverse media makers and entrepreneurs from across the country. We believe that people, not our ISPs, should control our own Internet experiences. Together, we urge the FCC to leave in place its 2015 *Open Internet Order*, which provides solid legal grounds for the FCC to prevent blocking, throttling, and paid prioritization on the Internet, and ensures protection for the large number of poor people and people of color who rely on mobile phones to get online.

The FCC’s proposed repeal of the 2015 *Open Internet Order* will harm all Internet users, and it will disproportionately harm people of color. One word sums up the Voices Coalition’s message to the FCC in this proceeding: stop.

## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b>	<b>ii</b>
<b>TABLE OF CONTENTS</b>	<b>iv</b>
<b>COMMENTS OF VOICES FOR INTERNET FREEDOM COALITION <i>ET AL.</i></b>	<b>1</b>
<b>BACKGROUND</b>	<b>2</b>
<b>DISCUSSION</b>	<b>9</b>
<b>I. PRESERVING THE CURRENT NET NEUTRALITY RULES IS CRITICAL TO PEOPLE OF COLOR</b>	<b>10</b>
A. The 2015 <i>Open Internet Order</i> Preserves a Level Playing Field for People of Color to Thrive on the Internet	11
B. Net Neutrality Is Necessary for Civic Engagement, Organizing for Change, and Attaining Justice for People of Color	13
C. Net Neutrality Expands Entrepreneurial Opportunities for People of Color	21
D. Net Neutrality Is the Foundation for Free Expression and Authentic Storytelling Online	26
E. Net Neutrality Is Vital For Finding Jobs, Housing and Access to Health Information and Services	28
<b>II. THE FCC MUST MAINTAIN ITS TITLE II AUTHORITY AND RETAIN THE STRONG AND ENFORCEABLE NET NEUTRALITY RULES TO PRESERVE THE OPEN INTERNET</b>	<b>33</b>
A. The 2015 <i>Open Internet Order</i> Provides Consumers and the FCC with Legally Enforceable Mechanisms to Address and Remedy Real Harms Experienced by Consumers	35
(1) 47,000+ Net Neutrality Complaints Illustrate that Consumers Need these Rules	37
(a) The FCC Must Preserve the No-Blocking Rule and Continue to Remedy Consumer Harms	41
(b) The FCC Must Preserve the No-Throttling Rule and Continue to Address Consumer Harms	42
(c) The FCC Must Preserve the Ban on Paid Prioritization	43
(2) Eliminating the Ombudsperson Role Without Adequate Analysis from the Commission Would be Detrimental to Consumers	44
B. The NPRM Conveniently Omits Recent FCC Enforcement Actions That Protected Consumers from Net Neutrality Violations	47
(1) AT&T Notice of Apparent Liability for Transparency Violations	48
(2) T-Mobile Consent Decree on its De-Prioritization Policy	50
(3) Verizon Wireless Practices Raise Privacy Concerns	52
C. Revoking the Commission’s Title II Authority Over Broadband Will Negatively Impact Other Important FCC Programs and Policy Goals	53
(1) The FCC’s Title II Authority is Critical to the Provision of Stand-Alone Lifeline Broadband Service	54

(2) The FCC Should Not Relinquish Its Authority to Protect Consumer Privacy Under Section 222	62
(3) The <i>Open Internet Order's</i> Approach to Health Information Improves Access to Health Services for People of Color	65
<b>III. THE FCC MUST PRESERVE AND EQUALLY APPLY THE CURRENT NET NEUTRALITY RULES TO MOBILE NETWORKS OR RISK DISPROPORTIONATE HARM TO COMMUNITIES OF COLOR</b>	<b>67</b>
<b>CONCLUSION</b>	<b>69</b>
<b>APPENDIX A</b>	<b>71</b>
<b>APPENDIX B</b>	<b>74</b>
<b>APPENDIX C</b>	<b>88</b>
<b>APPENDIX D</b>	<b>99</b>
<b>APPENDIX E</b>	<b>104</b>



rights, racial justice, and community based organizations, and diverse media makers and entrepreneurs from across the country. The Voices for Internet Freedom Coalition strongly rejects the Commission’s proposals in the NPRM to (1) reinstate the classification of broadband Internet access as an information service; (2) repeal bright-line Net Neutrality rules; and (3) make the determination that mobile broadband Internet access service is not a commercial mobile service.<sup>5</sup>

## BACKGROUND

An open Internet has enabled people of color to bypass traditional media avenues replete with institutional and structural discrimination and insurmountable barriers to entry.<sup>6</sup> Maintaining the current 2015 *Open Internet Order* will continue to provide a pathway for people of color to embrace new opportunities for self-expression, entrepreneurship, political participation, education, employment, housing, healthcare, racial justice, and many other vital human needs. The 2015 *Open Internet Order* is essential to protecting our free and open Internet,

---

FCC’s Wireline Bureau, responded to an email from Free Press’s Jessica J. González, to confirm that “[a]ny submission that the FCC receives tomorrow or Wednesday will be treated the same as a comment filed on Monday.”

<sup>5</sup> *NPRM* at 42, para. 24.

<sup>6</sup> MAG-Net, *Open and Affordable Internet*, Online Petition: <http://mag-net.org/issues/open-affordable-Internet> (last visited July 13, 2016), (“Net Neutrality is a Civil Right - The Internet has the potential to increase equity in media access and political participation for historically marginalized communities. Due to high barriers to entry in television, radio, and cable, traditional media outlets have not included enough diverse voices, or provided content that is significant and relevant to underrepresented groups. With lower barriers to entry, the Internet is a platform where these groups can speak for themselves and on behalf of their communities, to wider audiences.”). *See also*, The Internet Could Change Forever, 18MR Online Petition: <https://action.18mr.org/savetheInternet/> (“For Asian Americans and Pacific Islanders and other communities of color, Net Neutrality has allowed us equal access in furthering our education, enrolling in health care and applying for jobs.”).

which has been crucial to today's fights for civil rights and racial equity.<sup>7</sup> The open Internet strengthens our democracy by allowing the voices of underrepresented groups to be heard and their ideas to spread based on substance rather than financial backing.<sup>8</sup> Simply put, for people of color the Internet is our digital oxygen.<sup>9</sup>

There is a well-documented, long, and painful history of discrimination in this country. As a result, people of color are far more likely to live in poverty than our white counterparts. It is far more difficult for us to access decent housing or healthcare. We are less likely to be registered to vote and more likely to be incarcerated. We are excluded from boardrooms and newsrooms, relegated to inferior classrooms, and face persistent challenges to obtaining the access to capital needed to amplify our voices, become creators, achieve ownership, and generate wealth.

The [O]pen Internet, in particular, has decentralized the media and allowed black activists in a modern movement against police and state violence to bypass discriminatory media gatekeepers and reveal the extent of the state's abuse. When ordinary people capture shocking video footage of police officers fatally shooting black citizens, for example, it is more difficult for Americans to ignore the realities of racial injustice. Technology has always been a double-edged sword for black people in America and beyond.<sup>10</sup>

---

<sup>7</sup> Color of Change Online Petition, *Tell the FCC to Protect Net Neutrality*, <https://act.colorofchange.org/sign/tell-fcc-protect-net-neutrality/?t=2&akid=7351.1060807.WLmvoN> (last visited July 16, 2017).

<sup>8</sup> *Id.*

<sup>9</sup> Color of Change, *InternetIRL: A forum for Communications Rights & Access*, <https://act.colorofchange.org/survey/netneutralityforum> (last visited July 16, 2017).

<sup>10</sup> Malkia A. Cyril, *The Antidote to Authoritarianism* (May 8, 2017), <https://www.theatlantic.com/technology/archive/2017/05/the-antidote-to-authoritarianism/525438/>.

The open Internet provides people of color with the opportunities necessary to push back against discrimination. Eliminating the rules promulgated by the 2015 *Open Internet Order* will serve to exacerbate, rather than remedy, these inequities.

The Internet also allows women, people of color, and LGBTQ people to write themselves into history.<sup>11</sup> “Due to high barriers to entry in television, radio, and cable, traditional media outlets have not included enough voices, or provided enough relevant content to underrepresented groups. With lower barriers to entry, the Internet is a platform where we can speak for ourselves and on behalf of our communities, to wider audiences.”<sup>12</sup> Eliminating the Net Neutrality rules in the 2015 *Open Internet Order* would erect barriers to entry for Internet platforms that do not yet exist. If content creators had to pay to have their videos prioritized over an Internet Service Provider’s (“ISP”) own video streaming service, shows that originated on YouTube, like *The Misadventures of Awkward Black Girl* (now *Insecure*), *Broad City*, and *Crazy Ex-Girlfriend*, may have never survived infancy.<sup>13</sup>

Voices Coalition members recently hosted two events<sup>14</sup> which illuminated how the Internet can transform lives and movements, and shape history. The first event was a Connected Communities community forum<sup>15</sup> in Skid Row, Los Angeles<sup>16</sup> (“Skid Row Forum”). The second

---

<sup>11</sup> Kayla Kumari Upadhyaya, *How Web Series Have Widened TV’s Talent Pool*, (Dec. 13, 2016), [https://www.vice.com/en\\_us/article/wnd435/how-comedy-central-led-the-charge-in-developing-web-series-for-television](https://www.vice.com/en_us/article/wnd435/how-comedy-central-led-the-charge-in-developing-web-series-for-television).

<sup>12</sup> MAG-Net, *Open and Affordable Internet*, Online Petition, <http://mag-net.org/issues/open-affordable-Internet/> (last visited July 13, 2016).

<sup>13</sup> Kayla Kumari Upadhyaya, *How Web Series Have Widened TV’s Talent Pool*, (Dec. 13, 2016), [https://www.vice.com/en\\_us/article/wnd435/how-comedy-central-led-the-charge-in-developing-web-series-for-television](https://www.vice.com/en_us/article/wnd435/how-comedy-central-led-the-charge-in-developing-web-series-for-television).

<sup>14</sup> Core members include: Center for Media Justice, Free Press, Color Of Change, National Hispanic Media Coalition, and 18 Million Rising.

<sup>15</sup> See Skid Row Forum (May 10, 2017), <https://www.youtube.com/watch?v=PiR7kXOoqh0>.

“InternetIRL” event was a forum for communications rights and access held in Atlanta, Georgia (“InternetIRL Forum”).<sup>17</sup>

*The Open Internet Is Touching Lives: Voices from the Skid Row Community Forum*

During the Skid Row Forum, FCC Commissioner Mignon Clyburn discussed the importance of maintaining an open Internet:

Broadband for me is the greatest equalizer of our time because it enables us to do everything, to better realize our dreams, to close gaps quickly, to learn more abundantly, to be connected with people we couldn’t afford to pick up a phone and call. It enables us to not only be connected to others but to get to know ourselves better and to realize our highest potential.<sup>18</sup>

This event raised the voices of people in the community – unhoused and low-income people of color – who are often forgotten about elsewhere. During a series of panels, Commissioner Clyburn, attendees, and those watching remotely through Facebook Live, were able to hear from several current and formerly unhoused residents of Skid Row, a Skid Row activist, a health advocate, a college student, a fifth-grade teacher, senior citizens, a USC professor, a mother who is a blogger and artist, a Black immigrant rights organizer, and a co-host of a popular podcast.

The event illustrated how the Internet has allowed many women of color to flourish as they create culturally relevant content for their communities-and ensure a livelihood for themselves that would likely never have happened in the mainstream media. Denise Cortes spoke of how blocking, throttling, and paid prioritization would harm her online blog and business:

---

<sup>16</sup> Skid Row “contains one of the largest stable populations of homeless people in the United States.” *Wikipedia*, Skid Row, Los Angeles, [https://en.wikipedia.org/wiki/Skid\\_Row,\\_Los\\_Angeles#cite\\_ref-2](https://en.wikipedia.org/wiki/Skid_Row,_Los_Angeles#cite_ref-2) (last visited on July 16, 2017).

<sup>17</sup> See InternetIRL Forum, at 2:10:17 (June 13, 2017), <http://webcastingtechnologies.com/colorofchange> (*InternetIRL Forum*).

<sup>18</sup> FCC Commissioner Mignon Clyburn Remarks, Skid Row Forum, at 1:54:54 (May 10, 2017), <https://youtu.be/PiR7kXOoqh0?t=1h54m54s>.

“There’s no way I could possibly compete [with big companies]. I’m a mom that’s sitting in her home office with my computer and the thoughts in my mind. I have a limited budget.”<sup>19</sup> Taz Ahmed spoke of how an open Internet has allowed her and her co-host to create the popular podcast “#GoodMuslimBadMuslim” and “work outside of mainstream media, outside of corporate structures of what media’s supposed to be.”<sup>20</sup> It allows them to elevate conversations between two Muslim feminists — viewpoints that are sorely lacking and needed — without needing to access large amounts of capital.

Sylvia Moore of Common Cause discussed how Net Neutrality helps inform voters and increase civic engagement.

“Net Neutrality ensures that nonprofit, independent, and diverse voices can break through the corporate media and connect with their target audiences without the threat of Internet service providers censoring them. An open Internet is not a luxury, it is a public good and gutting Net Neutrality would be bad for consumers, detrimental to civic engagement, and would be bad for our democracy. Affordable access to the Internet is essential and Net Neutrality is the difference between full participation in our democracy and second class citizenship, and so we must never compromise our hard won open Internet protections, we have to fight to preserve them.”<sup>21</sup>

For example, in California, a record amount of voters had registered to vote after registration was made available online.<sup>22</sup> More than half of the 1.2 million voters did so, and it was the state’s most popular method of registration.<sup>23</sup>

---

<sup>19</sup> Denise Cortes, Skid Row Forum, at 1:40:42 (May 10, 2017), <https://youtu.be/PiR7kXOoqh0?t=1h40m42s>.

<sup>20</sup> Taz Ahmed, Skid Row Forum, at 1:29:59 (May 10, 2017), <https://youtu.be/PiR7kXOoqh0?t=1h29m59s>.

<sup>21</sup> Sylvia Moore, Skid Row Forum, at 1:36:53 (May 10, 2017), <https://youtu.be/PiR7kXOoqh0?t=1h36m53s>.

<sup>22</sup> *Record 19.4 Million Californians Now Registered to Vote*, (Nov. 4, 2016), <http://www.sos.ca.gov/administration/news-releases-and-advisories/2016-news-releases-and-advisories/record-194-million-californians-now-registered-vote/>.

*The Open Internet Is Touching Lives: InternetIRL Forum in Atlanta*

At the InternetIRL Forum, a public forum on the intersection of Internet freedom and Black opportunity, Commissioner Clyburn declared the, “open Internet is our vehicle for change, for information, for empowerment.”<sup>24</sup> This forum highlighted how a free and open Internet has allowed Black creators to connect, tell stories, and take action on a massive scale. Robin Thede, a former *Nightly Show* writer who will host a BET late-night talk show this fall, spoke on how news that may not be covered by traditional media will spread to other members of the community. “It is critical that we understand all the facets of Net Neutrality. It’s not just about who owns the access to the Internet, it’s also about how we’re allowed to use it.”<sup>25</sup> If an ISP can block content it does not agree with, then even simple methods such as sending a tweet or an email will no longer be as effective to share marginalized stories. Lucy McBath, mother of Jordan Davis, said that the Internet “was the catalyst to help elevate our story, to elevate our voices . . . and had it not been for that, slowly but surely our story would’ve died.”<sup>26</sup>

A panel made up of Charis Goff, Vice President of the National Urban League Young Professionals; Idalin Bobe, Black Girls CODE’s former Community Manager and founding staffer; and Nantasha Williams, Women’s March on Washington Co-organizer, was asked to describe what the Internet meant to each of them in five words or less:

---

<sup>23</sup> Steve Towns, *Online Registration Helped Increase California’s Youth Vote*, (Mar. 2013), <http://www.governing.com/columns/tech-talk/col-online-registration-increased-california-youth-vote.html>.

<sup>24</sup> See FCC Commissioner Mignon Clyburn Remarks, InternetIRL Forum, at 2:10:17 (June 13, 2017), <http://webcastingtechnologies.com/colorofchange/> (*InternetIRL Forum*).

<sup>25</sup> See Robin Thede, InternetIRL Forum, at 2:02:55 (June 13, 2017), <http://webcastingtechnologies.com/colorofchange/>.

<sup>26</sup> See Lucy McBath, InternetIRL Forum, at 34:28 (June 13, 2017), <http://webcastingtechnologies.com/colorofchange/>.

“Access to a new path.”<sup>27</sup>

“A way to reclaim our voice.”<sup>28</sup>

“Equal playing field and awareness.”<sup>29</sup>

The irony is not lost on the Voices for Internet Freedom Coalition that events like the Skid Row and InternetIRL forums would not have reached critical mass and enriched public debate absent Net Neutrality rules. Without such rules, the online streaming of events like these could be blocked. ISPs would have every incentive to do so, and blocking in this way would be legal, even though it curtails free speech. Indeed, ISPs have fought for an unregulated and self-asserted right to “editorial discretion.”<sup>30</sup>

The Skid Row and InternetIRL forums illustrate the potential of the Internet as a vehicle for innovation, justice, entrepreneurship, and storytelling. Net Neutrality means that barriers to entry remain low, and people of color are able to bypass broken legacy systems to harness innovative offerings better tailored to suit their needs. Entrepreneurs of color can succeed without access to traditional financial tools and can seek investment from crowdfunding and microfinance websites. Creators and independent producers can tell their own stories to defy stereotypes and create positive portrayals of their communities. People of color can engage in the political process, speak truth to power, and push back against structural discrimination.

*The FCC’s 2015 Open Internet Order and Current Efforts to Repeal It*

---

<sup>27</sup> See Charis Goff, InternetIRL Forum, at 1:09:26 (June 13, 2017), <http://webcastingtechnologies.com/colorofchange/>.

<sup>28</sup> See Idalin Bobe, InternetIRL Forum, at 1:09:23 (June 13, 2017), <http://webcastingtechnologies.com/colorofchange/>.

<sup>29</sup> See Nantasha Williams, InternetIRL Forum, at 1:09:19 (June 13, 2017), <http://webcastingtechnologies.com/colorofchange/>.

<sup>30</sup> *Verizon v. F.C.C.*, 740 F.3d 623, 655 (D.C. Cir. 2014).

The FCC adopted the *Open Internet Order* in 2015 to protect consumers and ensure they would not have their online content blocked or throttled and that bigger companies could not pay for prioritization. The FCC adopted a General Conduct rule that protects competition. The FCC received an unprecedented, overwhelming amount of public support for the Order. That support is bipartisan and enduring.<sup>31</sup> The 2015 *Open Internet Order* was crafted to create an equal playing field online: “the Internet’s openness is critical to its ability to serve as a platform for speech and civic engagement, and . . . it can help close the digital divide by facilitating the development of diverse content, applications, and services.”<sup>32</sup>

The Commission’s current NPRM seeks to completely remove the FCC from regulating the most vital communications tool of the 21st century. If the Commission were to revoke Net Neutrality regulations, it would be complicit in creating an exclusive Internet for the privileged few. The proposal to repeal the 2015 *Open Internet Order* is not in the interest of the American people and would have a disproportionate and discriminatory impact on communities of color.

## **DISCUSSION**

The Commission should preserve the Net Neutrality rules as established in the 2015 *Open Internet Order*. It is vital to the well being of communities of color to maintain the clear, enforceable bright-line rules grounded in the classification of broadband Internet service as a telecommunications service under Title II of the Telecommunications Act. Maintaining the classification of broadband Internet service as a telecommunications service is also necessary for

---

<sup>31</sup> Mariam Baksh, *Poll Shows Broad, Bipartisan Support for Net Neutrality Rules*, (June 21, 2017), <https://morningconsult.com/2017/06/21/poll-shows-broad-bipartisan-support-net-neutrality-rules>.

<sup>32</sup> 2015 *Open Internet Order* at 5627, para. 77.

the continued advancement of the Commission’s many other policy goals. Moreover, to prevent the Commission from creating second-class Internet users, the Commission should continue to apply the rules equally to fixed and mobile networks. Finally, the current rules have withstood judicial review. To best protect Net Neutrality, the Commission should terminate this proceeding and instead direct resources to enforcing the rules on the books.

## **I. PRESERVING THE CURRENT NET NEUTRALITY RULES IS CRITICAL TO PEOPLE OF COLOR**

The Supreme Court recently recognized the importance of the Internet as a platform for free speech. In *Packingham v. North Carolina*, the Court said, “[w]hile we now may be coming to the realization that the Cyber Age is a revolution of historic proportions, we cannot appreciate yet its full dimensions and fast potential to alter how we think, express ourselves, and define who we want to be.”<sup>33</sup> The Court stated that “[a] fundamental principle of the First Amendment is that all persons have access to places where they can speak and listen, and then, after reflection, speak and listen once more,”<sup>34</sup> and noted that “in the past there may have been difficulty in identifying the most important places (in a spatial sense) for the exchange of views, today the answer is clear. It is cyberspace – the ‘vast democratic forums of the Internet’ in general, and social media in particular.”<sup>35</sup>

Eliminating the FCC’s strong and enforceable Net Neutrality rules grounded in Title II of the Communications Act would have a disproportionate and discriminatory impact on the free speech rights of people of color. Preserving these rules, as established in the 2015 *Open Internet*

---

<sup>33</sup> *Packingham v. North Carolina*, 137 S. Ct. 1730, 1736 (2017).

<sup>34</sup> *Id.* at 1735.

<sup>35</sup> *Id.* at 1745 (citing *Reno v. American Civil Liberties Union*, 521 U.S. 844, 868 (1997)).

*Order*, is vital to the well-being of people of color as well as the continued advancement of several Commission policy goals for digital inclusion and empowerment. The Commission must not only preserve the rules but also continue to apply the current Net Neutrality rules equally to both fixed and mobile networks.

Reversing the classification of broadband Internet service from under Title II as a telecommunications service is not justified by the facts and belies the rich procedural history of the issue. The U.S. Court of Appeals for the D.C. Circuit held in 2016 that the FCC acted reasonably when reclassifying broadband service under Title II, and that the FCC provided a valid reason for the change in classification.<sup>36</sup> Then, for a second time on May 2017, the D.C. Circuit denied the *en banc* request to reexamine the holding from June 2016, reaffirming that the FCC acted within its Congressional mandate when it reclassified broadband ISPs under Title II.<sup>37</sup>

The Court stated:

[N]o Supreme Court decision supports the counterintuitive notion that the First Amendment entitles an ISP to engage in the kind of conduct barred by the Net Neutrality rule—i.e., to hold itself out to potential customers as offering them an unfiltered pathway to any web content of *their* own choosing, but then, once they have subscribed, to turn around and limit their access to certain web content based on the *ISP's* own commercial preferences.<sup>38</sup>

**A. The 2015 *Open Internet Order* Preserves a Level Playing Field for People of Color to Thrive on the Internet**

The instant NPRM asks, “[W]hat, if any, changes have been made as a result of Title II reclassification that have had a positive impact on consumers? Was Title II reclassification necessary for any of those changes to occur? Is there any evidence, for example, that consumers’

---

<sup>36</sup> See *United States Telecom Ass’n v. FCC*, 825 F.3d 674, 697-98 (D.C. Cir. 2016).

<sup>37</sup> See *United States Telecom Ass’n v. FCC*, 855 F.3d 381, 383 (D.C. Cir. 2017).

<sup>38</sup> See *id.* at 382.

online experiences and Internet access have improved due to policies adopted in the *Title II Order?*”

The 2015 *Open Internet Order* establishes a platform that communities of color use to tell our own stories that often go untold by mainstream media. It has also allowed people of color to challenge a harmful and deeply flawed historical narrative about our communities. It has been a game-changing force for communities of color. The following are comments from Voices Coalition members that respond to the questions above.

*Jennifer M. of Menlo Park, CA<sup>39</sup> Uses the Open Internet for Work*

“Please preserve Net Neutrality and Title II. I am writing today because I benefit from Net Neutrality both personally and professionally. Not only am I a mother of a three year old son, but I work as a Commercial Property Manager. My colleagues and I rely upon the Internet for prompt results to deal with emergencies related to the management of Real Property, without which will severely impact our ability to do our job and potentially save people's lives. Many of our Tenants use our buildings for a variety of uses such as conduct research and development with hazardous chemicals or run a surgery center and treat people for cancer. We need information and data at a moment's notice in order to do our jobs correctly and promptly. If there is a power outage that leads to a chemical spill that leads to a fire, I am on two cellphones, a laptop, and a computer. Each device is not necessarily contracted through the same provider and might be searching for information from different search engines. As you can see, our timely responsiveness is of the utmost importance. Please preserve Net Neutrality and Title II.”

---

<sup>39</sup> Comment submitted through 18 Million Rising's letter writing campaign, *The Internet Could Change Forever*, <https://action.18mr.org/savetheInternet/> (last visited July 14, 2017).

**B. Net Neutrality Is Necessary for Civic Engagement, Organizing for Change, and Attaining Justice for People of Color**

The open Internet has enabled people of color to meaningfully participate in our democracy, ensuring that the media gatekeepers do not ignore or silence our voices and prevent our votes. Indeed, “[p]eople of color depend on the Internet to help organize a better future for our communities and we cannot let it be a place where corporations get to decide what is in our best interest.”<sup>40</sup> People of color have been able to take control of our own stories and shine a light on issues that typically go unnoticed by the mainstream media. Hashtag activism that occurred around #BlackLivesMatter,<sup>41</sup> #SayHerName,<sup>42</sup> #NoBanNoWall,<sup>43</sup> and #OscarsSoWhite<sup>44</sup> are just a few of the many examples where the open Internet provided individuals with a way to draw attention to important issues affecting the safety and well-being

---

<sup>40</sup> Steven Renderos and Libeth Morales, *Plan to Repeal Net Neutrality Ensures Discrimination for Communities of Color and Poor People*, quote from Chinyere Tutashinda, National Organizer with the Center for Media Justice (May 18, 2017), <http://centerformediajustice.org/2017/05/18/plan-repeal-net-neutrality/>.

<sup>41</sup> See generally Comments of Internet Freedom Supporters, GN Docket No. 14-28, GN Docket No. 10-127, at 15 (July 16, 2014) (discussing the story of Trayvon Martin’s death). The hashtag #BlackLivesMatter began after the acquittal of George Zimmerman in the shooting death of Trayvon Martin.

<sup>42</sup> See generally, #SayHerName, *Wikipedia* (last visited July 12, 2017) (stating that #SayHerName “is a social movement that seeks to raise awareness for black female victims of police brutality and anti-Black violence in the United States”), <https://en.wikipedia.org/wiki/SayHerName>.

<sup>43</sup> See, Sarah A. Harvard, *#NoBanNoWall is a heartbreaking rallying cry against Donald Trump’s Muslim ban and border wall*, (Jan. 25, 2017), <https://mic.com/articles/166577/nobannowall-is-a-heartbreaking-rallying-cry-against-donald-trumps-muslim-ban-and-border-wall#.jmWuZnxaW>.

<sup>44</sup> See generally, *Oscars nominees discuss diversity in Hollywood amid the #OscarsSoWhite backlash*, (Feb. 25, 2016), <http://www.latimes.com/entertainment/la-et-oscars-so-white-reaction-htmlstory.html>.

of people of color. Additionally, the open Internet has allowed us to connect with each other and organize to an unprecedented degree.

*Taz Ahmed Values Net Neutrality Because It Enables Her to Build Bridges*

Taz Ahmed is a Blogger,<sup>45</sup> Campaign Strategist at 18 Million Rising, and Co-creator of the podcast #GoodMuslimBadMuslim.<sup>46</sup> She has discussed how the open Internet has allowed her to connect with other Muslims and South Asians online to build a virtual community,<sup>47</sup> organize to seek justice for Asian Americans and Pacific Islanders (“AAPI”), and help drive voter registration efforts.<sup>48</sup> 18 Million Rising was founded to promote Asian and Pacific Islander civic engagement, influence, and movement by leveraging the power of technology and social media.<sup>49</sup> It is an online advocacy organization fighting racism and discrimination against Asian Americans by combining traditional grassroots movement strategies and the immediacy of the Internet.<sup>50</sup> The organization has produced campaigns to remove racist mobile applications, provided online voter registration tools, and spread awareness of issues facing the AAPI community.<sup>51</sup>

Taz’s podcast, #GoodMuslimBadMuslim, started as a hashtag conversation between Taz and her co-creator, Zahra Noorbakhsh. The title came from the dichotomy of being “bad”

---

<sup>45</sup> Taz Ahmed, *Say What?*, <http://tazzystar.blogspot.com/> (last visited July 13, 2017).

<sup>46</sup> #GoodMuslimBadMuslim, <http://www.goodmuslimbadmuslim.com/> (last visited July 13, 2017).

<sup>47</sup> See Taz Ahmed, Skid Row Forum, at 1:28:26 (May 10, 2017), <https://youtu.be/PiR7kXOoqh0?t=1h28m26s>.

<sup>48</sup> See *id.* at 1:30:38.

<sup>49</sup> *18MillionRising – About*, <https://18millionrising.org/about> (last visited July 16, 2017).

<sup>50</sup> Esther Suh, *The 18 Million Rising Revolution: Continuing Advocacy for Asian Americans* (2013), <http://www.mochimag.com/article/18-million-rising-asian-american-advocacy-social-media-change-make-me-asian/>.

<sup>51</sup> See *id.*

Muslims to the Muslim community and being “good” Muslims to non-Muslims and how there is no way to “win” as a Muslim in a post-9/11 world.<sup>52</sup> The podcast has been honored by the City of Los Angeles for Asian Pacific American Heritage Month as Activists of the Year<sup>53</sup> and OCA-GLA for the Rising Star 2016 Image Award.<sup>54</sup> It has created space for dialogue with non-Muslims and pushed back against anti-Muslim stereotypes often seen in traditional media.<sup>55</sup> It also allows them to shape the narrative surrounding Muslims rather than having non-Muslims do it for them.<sup>56</sup> Taz explained that the purpose of her podcast is noncommercial and that without Net Neutrality she would not have had an equal opportunity to be heard because voices like hers are not monetized.<sup>57</sup> In the current political climate, it would also be unlikely for a company to invest in a podcast by two Muslim women but the open Internet has removed that barrier and allowed them to create on their own terms.

*Lucy McBath Uses the Open Internet to Support Grieving Mothers and Organize Against Gun Violence and Police Brutality*

Lucy McBath is the mother of Jordan Davis, National Spokeswoman for Moms Demand Action for Gun Sense in America, and the faith and outreach leader for Everytown for Gun

---

<sup>52</sup> #GoodMuslimBadMuslim – About, <http://www.goodmuslimbadmuslim.com/about/> (last visited July 16, 2017).

<sup>53</sup> Andrew Suh, *Press Release: Honorees Announced for Identity LA Festival*, (May 4, 2017), [http://davidryu.lacity.org/pr\\_idla\\_honorees](http://davidryu.lacity.org/pr_idla_honorees).

<sup>54</sup> *2016 Rising Star Honorees: Tanzila “Taz” Ahmed and Zahra Noorbakhsh*, (2016), <http://ocagla.org/2016-rising-star-honoree-tanzila-taz-ahmed-and-zahra-noorbakhsh/>.

<sup>55</sup> See Taz Ahmed, Skid Row Forum, at 1:39:31 (May 10, 2017), <https://youtu.be/PiR7kXOoqh0?t=1h39m31s>.

<sup>56</sup> See *id.* at 1:30:03.

<sup>57</sup> Letter from Joseph Torres, Senior External Affairs Director, Free Press, Jessica J. González, Deputy Director and Senior Counsel, Free Press, and Carmen Scurato, Director of Policy and Legal Affairs, National Hispanic Media Coalition, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-108, WC Docket No. 16-106, WC Docket No. 13-184, WC Docket No. 12-375, at 3 (filed May 12, 2017) (Connecting Communities *Ex Parte*).

Safety. She is a part of The Mothers of the Movement, a group of women whose African American children have been victims of police brutality or gun violence.<sup>58</sup> They advocate for criminal justice reform and gun control, individually and collectively.<sup>59</sup> Lucy's seventeen-year-old son, Jordan, was shot and killed over Thanksgiving weekend at a Florida gas station during an argument over playing loud music.<sup>60</sup>

"I use Twitter, Facebook, and Instagram, had it not been for those mediums where a lot of movement building is done, we would not have been able to create the movement for gun violence prevention . . . It's extremely important, it's critical."<sup>61</sup> Lucy was able to raise her son's story and keep the momentum going by writing about it online through Color of Change, the nation's largest online racial justice organization.<sup>62</sup> Social media and the Internet have allowed others going through similar situations to reach out to her and share their stories, as well as for her to reach out to them and offer her support.<sup>63</sup> "Being able to talk to people through Facebook and Twitter, these mediums, has been extremely gratifying because I feel like I'm able to directly connect with those mothers . . . Give them the tools, give them information and knowledge that

---

<sup>58</sup> See Michael Sebastian, *Who Are the 'Mothers of the Movement' Speaking at the Democratic National Convention?*, (July 26, 2016), <http://www.elle.com/culture/career-politics/news/a38111/who-are-mothers-of-the-movement-dnc/>.

<sup>59</sup> See *id.*

<sup>60</sup> Letter from Collette Watson, Digital Campaigner and Kairos Fellow, Free Press, Joseph Torres, Senior External Affairs Director, Free Press, and Jessica J. González, Deputy Director and Senior Counsel, Free Press, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 11-42, WC Docket No. 17-108, WC Docket No. 16-106, WC Docket No. 13-184, at 1 (filed June 15, 2017) (InternetIRL *Ex Parte*).

<sup>61</sup> Lucy McBath, InternetIRL, at 35:15 (May 10, 2017), <http://webcastingtechnologies.com/colorofchange/>.

<sup>62</sup> See *id.* at 35:05.

<sup>63</sup> See *id.* at 36:06.

they didn't have, kind of walk them through the process.”<sup>64</sup> The open Internet is the primary way she reaches them.<sup>65</sup>

The Internet allows everyone to have a voice, regardless of background, and this essential freedom should not be stifled. “Your voice is the most powerful tool that you have. You have been given a voice to not only speak about things that are critical to you but things that affect you and even things that affect others.”<sup>66</sup>

*Nantasha Williams Uses the Open Internet to Organize for Women's Rights*

Nantasha Williams is a respected political strategist, social architect, community engager, and Co-organizer of one of the largest global demonstrations in history – the Women's March on Washington.<sup>67</sup> In 2014, she was appointed the Executive Director of the New York State Black, Puerto Rican, Hispanic, and Asian Legislative Caucus, one of the largest and most influential political entities in New York.<sup>68</sup> In 2015, she was honored as one of the Albany 40 Under 40 Rising Stars.<sup>69</sup>

The Women's March started online because Teresa Shook in Hawaii posted on Facebook that she wanted to have a march on Washington in response to the 2016 presidential election.<sup>70</sup> That post got thousands of reposts by everyday people and then posted into various political Facebook groups that made the post spread even wider.<sup>71</sup> It was then decided that everyone's

---

<sup>64</sup> *Id.* at 36:13.

<sup>65</sup> *See id.* at 36:54.

<sup>66</sup> *Id.* at 38:40.

<sup>67</sup> *See* Nantasha Williams, InternetIRL Forum, at 48:18 (June 13, 2017), <http://webcastingtechnologies.com/colorofchange/>.

<sup>68</sup> *See id.* at 48:42.

<sup>69</sup> *See id.* at 48:52.

<sup>70</sup> *See id.* at 48:52.

<sup>71</sup> *See id.* at 51:35.

efforts should be united and this birthed the Women’s March as we know it, an event based on women’s and human rights issues.<sup>72</sup>

The Women’s March was organized primarily by women of color,<sup>73</sup> using online tools and platforms.<sup>74</sup> The open Internet played a key role in mobilizing over one million people in Washington, D.C. and a total of five million people globally.<sup>75</sup> The March could have never occurred without the open Internet.

Squarespace gave the organizers free access to their server but without Net Neutrality it would have likely been much more expensive for the company to do that. Indeed, without Net Neutrality, Squarespace may have never existed in the first place.<sup>76</sup> Startups are threatened if the Net Neutrality rules are revoked; the reason they can thrive is that under the current rules they do not have to “pay to play.”<sup>77</sup> The Women’s March website crashed several times because of an overload of users, so the organizers launched their own cloud servers to ensure everyone could download the “Day Of” guide and map.<sup>78</sup> It was inexpensive but without Net Neutrality they likely would have had to pay thousands of dollars they did not have.<sup>79</sup>

Organizers would have had to plan and guess how many users were going to use their site to inform their servers ahead of time to be prepared but thanks to the open Internet they could

---

<sup>72</sup> See Elizabeth Koh, *Explaining the Women’s March on Washington*, (Nov. 23, 2016), <http://www.mcclatchydc.com/news/politics-government/election/article116642998.html>.

<sup>73</sup> See Nantasha Williams, InternetIRL Forum, at 1:07:41 (June 13, 2017), <http://webcastingtechnologies.com/colorofchange/>.

<sup>74</sup> See *id.* at 52:25.

<sup>75</sup> *Id.* at 51:15.

<sup>76</sup> *Id.* at 56:45.

<sup>77</sup> *Id.* at 57:05.

<sup>78</sup> *Id.* at 57:15.

<sup>79</sup> *Id.* at 51:15.

simply put the information out there and allow millions of users to access the website.<sup>80</sup> “That’s a big part of Internet mobilization, when things go viral, you put something out there, you wake up the next day and millions of people have retweeted it.”<sup>81</sup>

The March required a headcount because the Department of Homeland Security, the White House, the National Park Service, and even buses, all needed to know in advance how many people to expect in the capital.<sup>82</sup> The organizers were able to use an inexpensive tool for that headcount.<sup>83</sup> Without Net Neutrality, that tool may not be so inexpensive any longer.<sup>84</sup> The day after the March twenty-two million people visited the website, far more than the organizers ever predicted.<sup>85</sup>

*Sylvia Moore Uses the Open Internet to Strengthen our Democracy*

Sylvia Moore is a Southern California Organizer for California Common Cause, which is a national organization dedicated to making democracy stronger.<sup>86</sup> She educates activists about issues, advocacy, and tactics; builds strategy and public support for Common Cause’s initiatives; speaks to community groups; supports and administers activist trainings; and assists communications and outreach efforts.<sup>87</sup> Sylvia spoke of how “the open Internet increases political participation and civic engagement.”<sup>88</sup> She first learned about Common Cause, before

---

<sup>80</sup> *Id.* at 57:30.

<sup>81</sup> *Id.* at 57:41.

<sup>82</sup> *Id.* at 57:55.

<sup>83</sup> *Id.* at 58:01.

<sup>84</sup> *Id.* at 58:24.

<sup>85</sup> *Id.* at 57:55.

<sup>86</sup> *Common Cause – Sylvia Moore*, <http://www.commoncause.org/about/staff-directory/sylvia-moore.html> (last visited July 16, 2017).

<sup>87</sup> *Id.*

<sup>88</sup> See Sylvia Moore, Skid Row Forum, at 1:33:24 (May 10, 2017), <https://youtu.be/PiR7kXOoqh0?t=1h33m24s>.

getting a job there years later, through the Internet on a website dedicated to matching volunteers with causes.<sup>89</sup>

At the Skid Row Forum, Sylvia explained that our democracy is stronger when we ensure “that as many people as possible participate, and the open Internet is crucial to civic engagement. For example, thanks to online voter registration made possible for the first time in 2012, Californians can use the open Internet to be part of our democracy. Our Secretary of State, Alex Padilla, has credited California’s recent surge in number of registered voters in California partly to the success of online voter registration.”<sup>90</sup>

The Internet gives voters unprecedented access to information and to their Congress people with ease. “Voters can inform themselves online . . . they can communicate their concerns online to their Representatives, they can read proposed legislation online, they can find . . . what funding sources different candidates have . . . People have access to thousands of independent news sources . . . Activists organize online . . . The community can debate issues of the day online, so an open Internet can guarantee that the public can speak and be heard without interference from corporate Internet service providers.”<sup>91</sup>

*Beverly S. from Bloomington, Indiana*<sup>92</sup> *Uses the Open Internet to Inform Herself*

“A democracy depends on a well-informed citizenry, and for that to happen, citizens must all have equal access to sources of information. In the 21st [century] Net Neutrality is an essential source of information for all of our citizens. You must protect

---

<sup>89</sup> *Id.* at 1:33:40.

<sup>90</sup> *Id.* at 1:34:21.

<sup>91</sup> *Id.* at 1:35:08.

<sup>92</sup> Comment submitted through 18 Million Rising’s letter writing campaign, *The Internet Could Change Forever*, <https://action.18mr.org/savetheInternet/> (last visited July 16, 2017).

the Open Internet Rules against corporate and individual greed that would disrupt our democratic processes. I strongly support the FCC's Open Internet Rules and I urge you to protect them.”

### **C. Net Neutrality Expands Entrepreneurial Opportunities for People of Color**

The open Internet mitigates two of the largest barriers that people of color face when trying start a business: lack of access to capital and difficulty bypassing gatekeepers. If the Commission repeals the 2015 *Open Internet Order*, small businesses will require more capital to get online. Conversely, over the open Internet entrepreneurs can access funds from around the world – including through crowdfunding and microfinance websites such as Kickstarter and Indiegogo. The 2015 *Open Internet Order* minimizes gatekeepers so entrepreneurs are able to bring their ideas into existence and directly disseminate products and services.

In fact, innovative online marketplace solutions like Etsy have helped many people of color operate successful businesses online.

For the price of an Internet connection, anyone can spread new ideas or start a business – even spark a new industry. It’s this democratic access that makes the Internet so revolutionary and allows Etsy sellers to compete with much bigger and more established brands. It’s what allows a microbusiness owner from a rural village to take pride in being an international exporter in her own right.<sup>93</sup>

As of 2016, Etsy has 1.7 million active sellers across the world that have generated over \$2.8 billion in gross merchandise sales.<sup>94</sup> Not surprisingly, Etsy sellers “are contributing to sustainable local economies, from small towns to big cities, and have started and grown their

---

<sup>93</sup> Etsy and GFK, *Crafting the Future of Work: The Big Impact of Microbusinesses*, at 15-16 (2017), [https://extfiles.etsy.com/advocacy/Etsy\\_US\\_2017\\_SellerCensus.pdf](https://extfiles.etsy.com/advocacy/Etsy_US_2017_SellerCensus.pdf) (*Crafting the Future of Work*).

<sup>94</sup> *Id.* at 7.

businesses in 99.9% of all US counties.”<sup>95</sup> There is also a network of Etsy members of color – with currently over 1,600 members called Etsy Artists of Color.<sup>96</sup> All the sellers on Etsy are challenging the “conventional notions of entrepreneurship, and don’t conform to traditional images evoked by terms like startup, business owner, and entrepreneur . . . Etsy sellers are tech-enabled micro-businesses, crafting a new face of entrepreneurship.”<sup>97</sup>

*The Open Internet Allows Denise Cortes To Share Her Culture, Build Community and Earn A Living*

Denise Cortes is a Mexican-American artist, blogger, and entrepreneur who founded PearMama, a lifestyle blog for women.<sup>98</sup> With over 15,000 visitors a month and a social media reach of over 11,000 individuals, the open Internet has expanded her access to the community.<sup>99</sup> She writes on many topics including being a mother to six children, navigating life as a woman of color, and tutorials for various do-it-yourself crafts. She is a brand ambassador and influencer who has partnered with agencies on sponsored posts, press trips, and experiences for brands and companies.<sup>100</sup> She has spoken on various panels and led workshops at blogging conferences, such as Alt Summit and Hispanicize.<sup>101</sup> She has been a contributing writer to blogs such as BabyCenter and Mom.me and created do-it-yourself home décor projects for Sherwin-Williams and Home Depot.<sup>102</sup>

---

<sup>95</sup> *Id.*

<sup>96</sup> See *Etsy Artists of Color Members*, (last visited July 16, 2017) <https://www.etsy.com/teams/6303/etsy-artists-of-color/members>.

<sup>97</sup> *Crafting the Future of Work at 4.*

<sup>98</sup> Denise Cortes, *Pearmama*, <http://pearmama.com/> (last visited July 13, 2017).

<sup>99</sup> Denise Cortes, *Pearmama - About Me*, *Pearmama* <http://pearmama.com/about-me> (last visited July 13, 2017).

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

Eleven years ago, when Denise’s children were young, she wrote about her daily life in a journal until her husband encouraged her to start a blog.<sup>103</sup> “I did not think at all that it would lead me to where I am now, where I’m able to share what I do, share what I love, and be at home and be able to take care of my kids and have that flexibility to support them.”<sup>104</sup> Her livelihood and ability to care for her children depends on access to an affordable, open Internet that allows her to compete with larger blogs.<sup>105</sup> It also, rather unexpectedly, gave her a platform to reach other Latinas because she shared her culture on her blog, from language to food to art.<sup>106</sup> Growing up, she never saw herself or someone like herself on TV or in books, so she put herself and her experiences online to be that positive representation to others.<sup>107</sup>

At the Skid Row Forum,<sup>108</sup> Denise explained how she has made a living with her blog while being a mother. “[My blog] has become my livelihood. That is how I support my six kids. I write stories, I work with brands, I share my artwork. All of those things, if I did not have Internet, I could not do any of those things. I email every day with potential clients, that’s how I sign my contracts for any work I do . . . Everything is on the Internet.”<sup>109</sup> Without Net Neutrality she would not have the resources to compete and succeed.<sup>110</sup>

---

<sup>103</sup> *Id.*

<sup>104</sup> See Denise Cortes, Skid Row Forum, at 1:20:27 (May 10, 2017), <https://youtu.be/PiR7kXOoqh0?t=1h20m27s>.

<sup>105</sup> Tim Karr, *FCC Commissioner Clyburn, L.A. Residents and Advocates Fight for an Affordable and Accessible Internet*, <https://www.savetheInternet.com/press-release/108071/fcc-commissioner-clyburn-la-residents-and-advocates-affordable-access> (last visited July 16, 2017).

<sup>106</sup> See Denise Cortes, Skid Row Forum, at 1:18:52 (May 10, 2017), <https://youtu.be/PiR7kXOoqh0?t=1h18m52s>.

<sup>107</sup> See *id.* at 1:18:57.

<sup>108</sup> Connecting Communities *Ex Parte* at 3.

<sup>109</sup> See Denise Cortes, Skid Row Forum, at 1:19:45 (May 10, 2017), <https://youtu.be/PiR7kXOoqh0?t=1h19m45s>.

<sup>110</sup> Connecting Communities *Ex Parte* at 2.

*Web Developer Clayton Dewey<sup>111</sup> from Denver: Net Neutrality Is Important for Small Businesses and Nonprofits*

“As a web developer who works with nonprofits and small businesses, I believe it is imperative that we protect Net Neutrality. It is because of an open, neutral web that those organizations with smaller budgets can still reach their audiences. Also, many of their constituents and customers are already on low bandwidth plans so the possibility of their connection to these organizations' websites being even slower would severely impact them.”

*I Run My Business Over a Neutral Net, Says Rita Rover from Northport, NY<sup>112</sup>*

“I use the Internet for electronic billing for my private practice in nutrition counseling. The FCC Open Internet Rules are extremely important to me. I urge you to protect them. I don't support Chairman Pai's proposal to repeal Net Neutrality.”

*Marianna Elvira Uses an Open Internet to Design Art and Sell Her Creations*

Another website, Society6 provides a “home for hundreds of thousands of artists from around the globe” and allows them to upload original pieces of art and create over thirty custom consumer goods, from cell-phone cases, to art prints, to throw blankets.<sup>113</sup> Marianna Elvira was first exposed to Photoshop when she was thirteen. She enjoyed the ability to create art in a new way, on a computer, something she had never seen before. Soon after, she obtained her own copy of Photoshop and, through the Internet's tutorials and her own experimentation, she slowly taught herself how to use the program. She had been interested in entrepreneurship from a young age but never imagined having the tools needed to start a business, especially as a young girl of

---

<sup>111</sup> Comment submitted at Center for Media Justice *Net Neutrality*, <https://mediaaction.typeform.com/to/g8R6f3> (last visited July 14, 2017).

<sup>112</sup> *Id.*

<sup>113</sup> *About Society6*, <https://society6.com/about> (last visited July 16, 2017).

color. However, when she was fifteen she stumbled upon Society6 and it allowed her to create her own unique designs and sell them to anyone. She did not need funding to start the shop, manufacture the products, or advertise. Society6 is able to exist because of an open Internet and helps thousands of creators start their own businesses. Eight years later, Marianna is still creating new designs ranging from TV characters and musicians to her own drawings.<sup>114</sup> She also hopes to empower marginalized communities by creating designs made specifically for groups like Latinas and LGBTQ people.

*Lorraine O’Grady<sup>115</sup> Uses an Open Internet to Spark Intellectual Conversations Through Art*

“I am an internationally recognized black avant-garde artist with my own highly developed website. I need to get word out about my own work, but most importantly, to do what I do I have to keep up with intellectual conversations in my areas of concern from around the world. This is cultural, not commercial work, but it is just as essential. I need Net Neutrality not just for myself and for other Americans, especially minority artists, but for all those artists around the world whose work includes social and cultural advocacy (a group that includes most artists everywhere). We cannot do our essential work in a world where information has become totally corporatized. It's the job of artists to think ahead of the curve, and the tools to do that daily become more complex and difficult to evaluate. We need access to our best and worst thoughts, and to each other, to think ‘ahead.’ The means and methods of our thinking simply do not fit into the governmental and corporate frameworks that threaten Net Neutrality. We MUST fight to keep the Internet free for art, for play, for humanity.”

---

<sup>114</sup> See *Society6 – Marianna Elvira’s Shop*, <https://society6.com/smoothope> (last visited July 17, 2017).

<sup>115</sup> See APPENDIX B (comments collected by Color Of Change) at 2.

*Collette Watson*<sup>116</sup> *Explains Why Net Neutrality Is Vital for Black People*

“Net Neutrality gives people in my community the opportunity to determine their own destiny as entrepreneurs, organizers, creatives, and other fields that depend on access to people and information. These paths were once closed to low-income folks and POC, but now things have been democratized. Killing Net Neutrality would take away that democracy.”

The NPRM seeks to ignore the value that entrepreneurs and artists bring to the Internet economy. It does so by misplacing its analysis for reversing the 2015 *Open Internet Order* by solely focusing on broadband investment. In 2016, the FCC took time to acknowledge the impact of the Net Neutrality rules on women and minority owned businesses, the “Open Internet has also given minority and women businesses owners new opportunities to create and distribute goods and services.”<sup>117</sup> As Commissioner Clyburn so aptly noted, “[t]he NPRM’s analysis fails to take into account what entrepreneurs invest in their Internet businesses, what risk venture capitalists plow into Internet and telecom market, and what consumers pay for and how they use all these services to create economic value.”<sup>118</sup>

#### **D. Net Neutrality Is the Foundation for Free Expression and Authentic Storytelling Online**

The rules in the 2015 *Open Internet Order* serve a vital purpose by providing diverse voices with an opportunity to represent themselves, make a living, and find an audience.

“Government policies have historically allowed just a handful of corporations to control each

---

<sup>116</sup> *Id.* at 8.

<sup>117</sup> FCC, Identifying and Eliminating Market Entry Barriers for Entrepreneurs and other Small Businesses, at para. 49 (2016), [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-16-142A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-142A1.pdf).

<sup>118</sup> *NPRM* at 59.

new media platform. This is why so few people of color own broadcast TV and radio stations. It's also why, well into the 21st century, many media outlets still depict our communities in stereotypical terms.”<sup>119</sup> As Color of Change has rightly noted, “[w]ebsites that serve a Black audience can establish themselves cheaply, and their growth and viewership is based largely on the value of what they provide, rather than the amount of money they can spend on advertisements, or the relationships they have with established media outlets.”<sup>120</sup> Color of Change has further explained that, “the Internet is friendlier than any other communications medium for businesses and organizations that provide content and services aimed at minority audiences.”<sup>121</sup> The Supreme Court understands that “websites can provide perhaps the most powerful mechanism available to a private citizen to make his or her voice heard. They allow a person with an Internet connection to ‘become a town crier with a voice that resonates farther than it could from any soapbox.’”<sup>122</sup>

*Writer and Comedian Robin Thede: The Internet Is the Last Bastion of Hope for Free Speech*

Robin Thede is a Writer, Comedian, and the Creator, Executive Producer and Host of *The Run Down*, set to air on BET this fall.<sup>123</sup> She has been a head writer for *The Nightly Show with Larry Wilmore*, *The Queen Latifah Show*, and the 2016 White House Correspondents Dinner. She believes the Internet is essential to communicating with the rest of the Black community.<sup>124</sup>

---

<sup>119</sup> *Voices for Internet Freedom*, <https://www.Internetvoices.org/voices-home>, (last visited July 16, 2017).

<sup>120</sup> Color of Change Comments, GN Docket No. 09-191, WC Docket No. 07-52 (Jan. 14, 2010). (Color of Change Comments).

<sup>121</sup> *Id.*

<sup>122</sup> *Packingham v. North Carolina*, 137 S. Ct. 1730, 1737 (2017).

<sup>123</sup> See Robin Thede, InternetIRL Forum, at 2:02:55 (June 13, 2017), <http://webcastingtechnologies.com/colorofchange/>.

<sup>124</sup> InternetIRL, *Ex Parte* at 2.

At Atlanta’s InternetIRL Forum she said, “[t]he Internet is the last bastion of hope for any sort of free speech, it’s the place where you can tweet something and it instantly gets sent out or you can post a blog, or you can put up a video.”<sup>125</sup> People are free to write what they want on the Internet and find an audience without seeking permission from gatekeepers, regardless of their politics.

*Stephanie from Miami, Florida:*<sup>126</sup> *The Open Internet Allows Everyone To Be Heard*

“The Internet has allowed voices of all races, genders, ethnicities, sexual orientation, disabilities and so on to be heard and it is important that we keep it this way.”

*James Kilgore from Urbana, Illinois*<sup>127</sup> *Explains that Net Neutrality Is Important for Successful Reentry to Society from Prison*

“I am a formerly incarcerated person. Having access to the Internet is vital for those of us returning to society. We need full access to the Internet in order to reintegrate into society and build links to people on the outside. Without access to an affordable, high quality Internet, we are doomed to end up back in prison or living in absolute poverty. Please do not overturn Net Neutrality. That would be a horrendous error.”

#### **E. Net Neutrality Is Vital For Finding Jobs, Housing and Access to Health Information and Services**

The open Internet is vital to education, housing, finding jobs, and how individuals access health care.

*Charis Goff: Net Neutrality Helps Me Organize Community Volunteers*

---

<sup>125</sup> See Robin Thede, InternetIRL Forum, at 2:01:30 (June 13, 2017), <http://webcastingtechnologies.com/colorofchange/>.

<sup>126</sup> Comment submitted at Center for Media Justice *Net Neutrality*, <https://mediaaction.typeform.com/to/g8R6f3> (last visited July 14, 2017).

<sup>127</sup> *Id.*

Charis Goff is the Director of Volunteer Engagement for the Boys & Girls Club of Metro Atlanta and the National Programs Chair for the National Urban League of Young Professionals, the leading national service initiatives and awards programming.<sup>128</sup> She leads volunteer planning and representing 30,000 volunteers annually at Boys & Girls Club and is a former President of Greater Washington Young Professionals.<sup>129</sup>

Charis explains that her organization's members use the open Internet to access opportunity.<sup>130</sup> With many professional conferences and training courses charging exorbitant registration fees, livestreaming makes it possible for aspiring professionals to access these critical resources remotely at little to no cost.<sup>131</sup> In this difficult job market, it is essential for young professionals of color to have access to the same tools as everyone else.

Because of Net Neutrality, the National Urban League of Young Professionals is able to access vast amounts of data which makes it easier for the organization to research educational wins, opportunity gaps, and criminal justice statistics in different regions with different demographics.<sup>132</sup>

#### *Idalin Bobe Uses the Open Internet to Fight Poverty*

Idalin Bobe is a Senior IT Consultant at ThoughtWorks working on global, social justice initiatives. She is the former Community Manager and founding staffer at Black Girls CODE and is launching TechActivist.org which is rooted in her work with activists and community

---

<sup>128</sup> See Charis Goff, InternetIRL Forum, at 47:08 (June 13, 2017), <http://webcastingtechnologies.com/colorofchange/>.

<sup>129</sup> *Id.* at 47:30.

<sup>130</sup> *Id.* at 1:02:47.

<sup>131</sup> InternetIRL, *Ex Parte* at 2.

<sup>132</sup> See Charis Goff, InternetIRL Forum, at 50:09 (June 13, 2017), <http://webcastingtechnologies.com/colorofchange/>.

organizers calling for a new Poor People’s Campaign.<sup>133</sup> She grew up in one of the poorest areas in the country and because of this her goal is to bring the same resources and opportunities that technology gives the affluent back to her own community.<sup>134</sup> To alleviate poverty she focuses on holding the media accountable.<sup>135</sup>

The Poor People’s Campaign challenges the media’s perception of what it is to be poor.<sup>136</sup> Often, politicians will only discuss the needs of the middle-class and leave the poor completely out of the conversation.<sup>137</sup> “The media . . . is always shaming the poor when we have sixty-five million people who don’t even make \$15 an hour, when you have people who feel isolated from being poor, so it’s reclaiming who we are as people and reclaiming the space.”<sup>138</sup> The media regularly mischaracterizes poor people as lazy but, as poverty is a systemic issue, the Internet can help fight against this false characterization and shed light on the systemic issues.<sup>139</sup> “There’s nothing new about poverty, what is new is we have the tools today to eliminate poverty.”<sup>140</sup>

*Marco Castro Bohorquez: The Open Internet Helps Me Access In-Language, Culturally-Competent, Mental Health Services*

---

<sup>133</sup> See Idalin Bobe, InternetIRL Forum, at 47:09 (June 13, 2017), <http://webcastingtechnologies.com/colorofchange/>.

<sup>134</sup> Ruben Harris, *Breaking Into Startups: Idalin Bobe’s Journey from North Philly to ThoughtWorks*, (Feb. 6, 2017), <https://techcrunch.com/2017/02/06/breaking-into-startups-idalin-bobes-journey-from-north-philly-to-thoughtworks/>.

<sup>135</sup> See Idalin Bobe, InternetIRL Forum, at 52:45 (June 13, 2017), <http://webcastingtechnologies.com/colorofchange/>.

<sup>136</sup> *Id* at 53:37.

<sup>137</sup> *Id.* at 53:45.

<sup>138</sup> *Id.* at 54:12.

<sup>139</sup> *Id* at 54:47.

<sup>140</sup> *Id.* at 55:22.

Marco Castro Bohorquez is a Filmmaker and Health and Wellness Activist who is currently unhoused.<sup>141</sup> At the Skid Row Forum, he discussed how the Internet has helped him access remote health services, as he lives with mental health issues and HIV.<sup>142</sup> Without the Internet, he would have been unable to find culturally-relevant therapists in Fresno, California and Argentina, whom he communicates with using Skype.<sup>143</sup> His local doctor does not take appointments over the phone. Instead, he must go online to make an appointment, thus making it virtually impossible for anyone without an Internet connection to go to the doctor.<sup>144</sup> Marco explained that “at the moment that you realize that you don’t have access to broadband, to the web . . . you feel as if as if your hands are tied.”<sup>145</sup> Without the Internet, he would not be able to access lifesaving health services that he needs. He also expressed the need to protect the privacy of people’s online information, particularly information about their health statuses.<sup>146</sup>

*Robert MacLuskie:*<sup>147</sup> *The Open Internet Helps Me Fight Cancer*

“Since I've been dealing with cancer, [the Internet] allows me to deal with medical records, appointments, converse with medical personnel. Also this is not the play toy for the rich, access should be available to all.”

*Susan Hale Whitmore*<sup>148</sup> *Illuminates Why an Open Internet Is Particularly Important to Retired People and People with Disabilities*

---

<sup>141</sup> Connecting Communities *Ex Parte* at 2.

<sup>142</sup> See Marco Castro Bohorquez, Skid Row Forum, at 32:03 (May 10, 2017), <https://youtu.be/PiR7kXOoqh0?t=32m03s>.

<sup>143</sup> *Id.* at 32:17.

<sup>144</sup> *Id.* at 32:57.

<sup>145</sup> *Id.* at 33:25.

<sup>146</sup> Connecting Communities *Ex Parte* at 2.

<sup>147</sup> See APPENDIX B (comments collected by Color Of Change) at 5.

<sup>148</sup> See APPENDIX B (comments collected by Color Of Change) at 3.

“Because I am retired and have a physical disability, I spend a lot of my time at home. And a lot of that time, I am online with emailing, looking up all kinds of info on the web, and accessing a variety of news sources. With so much of my time spent online, I need the fastest service possible - otherwise, I am wasting my time. As a single user, I will not get the fastest service if corporations can "shove me to the curb" and speed past me in the interest of making more money.”

*Librarian Jonathan Boyne from Honolulu, Hawaii:*<sup>149</sup> *We Need Net Neutrality and Online Privacy*

“Libraries and patrons need an open Internet with secure privacy. I have been a university librarian for twenty years and for sixteen years an online reference librarian for the largest, U.S.-based service, serving public library patrons and college students worldwide, and I know that students and people of all ages depend on and need open, free and unimpeded access to useful and necessary knowledge and information. Anything that impedes such access makes us and our country poorer and stunts all kinds of growth and development, economic and intellectual. Internet 'slow lanes' and restricted access to all content would make it impossible for ordinary people to access useful and necessary knowledge and information. Telecom monopolies impede such access and make us and our country and the world poorer.”

*Ashley from New York, NY:*<sup>150</sup> *The Open Internet Helped Me Get Into College*

“The Internet is a highway of information. For me, having accessible Internet is something that helped me get into college. It helps me everyday in finding information that I

---

<sup>149</sup> Comment submitted at Center for Media Justice *Net Neutrality*, <https://mediaaction.typeform.com/to/g8R6f3> (last visited July 14, 2017).

<sup>150</sup> *Id.*

need. As a disabled person it's something that's given me tools to empower myself. I do not support Chairman Pai's proposal to repeal Net Neutrality.”

*Sandra Smith in Seattle, WA.*<sup>151</sup> *The Internet Is a Public Utility; Like Many Elder Americans, I Use it To Access Healthcare*

“Like many elderly Americans, I rely on the Internet to communicate with my healthcare team, schedule appointments and order prescriptions. Without this free and open access, medical care would be prohibitively expensive and time consuming, even with Medicare. The Internet truly is an essential public utility and it is important to prevent excessive profiteering by ISPs. Please save Net Neutrality for all of us.”

## **II. THE FCC MUST MAINTAIN ITS TITLE II AUTHORITY AND RETAIN THE STRONG AND ENFORCEABLE NET NEUTRALITY RULES TO PRESERVE THE OPEN INTERNET**

Repealing the 2015 *Open Internet Order* and, more specifically, Title II classification of broadband Internet service as a telecommunications service, is not supported by the facts presented in the NPRM. Strong, enforceable rules that prevent harmful ISP conduct are key to protecting consumers who have little to no choice in broadband providers.<sup>152</sup> By proposing to revoke bright-line rules that protect consumers, the Commission is ensuring that consumers simply “have to live with whatever their broadband provider decides to enable them to access”

---

<sup>151</sup> *Id.*

<sup>152</sup> See FCC, *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act at 702* (Stating that “only 38 percent of Americans have more than one choice of providers for fixed advanced telecommunications capability.”) (2016), [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-16-6A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-6A1.pdf).

which is “entirely inconsistent with consumers and business expectations about the open and free nature of the Internet.”<sup>153</sup>

The *Open Internet’s* bright-line rules against blocking, throttling, and paid prioritization are core Net Neutrality principles that preserve the Internet as the open platform that it is today. Without such rules, ISPs would have *carte blanche* to block lawful content and be able to exercise an unreasonable level of discrimination that would disproportionately impact people of color. It is imprudent for the Commission to suggest that the voluntary promises of ISPs can adequately protect consumers.<sup>154</sup> The Commission must maintain its current regulations to prevent harmful ISP practices – any other proposed methods are unworkable and place insurmountable burdens on consumers.

Solutions that seek to transfer FCC jurisdiction to the Federal Trade Commission (“FTC”) and the Department of Justice (“DOJ”) are unlikely to curb anti-competitive practices and allow the agency to step in only after consumers have experienced harm.<sup>155</sup> This reactionary regulatory regime unduly burdens consumers and would cause confusion and dysfunction. The Commission rightfully determined in the 2015 *Open Internet Order* that clear bright-line rules are necessary to bring certainty to the market and consumers.<sup>156</sup> Only the FCC can adequately

---

<sup>153</sup> *NPRM* Dissenting Statement of Commissioner Clyburn at 76.

<sup>154</sup> *See NPRM* at 24, para. 85. (Discussing the need for a ban on paid prioritization. The Commission questions whether such a rule is necessary since “the record evidence confirmed that no such rule was needed since several large Internet service providers made it clear that they did not engage in paid prioritization and had no plans to do so.” (internal citations omitted)).

<sup>155</sup> *See generally, NPRM* at 22, para. 78, n.179 (Asking whether “the existence of antitrust regulations aimed at curbing various forms of anticompetitive conduct, such as collusion and vertical restraints under certain circumstances, we seek comment on whether these rules are necessary in light of these other regulatory regimes.”)

<sup>156</sup> *See 2015 Open Internet Order* at 5647, para. 110. (“The record in this proceeding reveals that three practices in particular demonstrably harm the Open Internet: blocking, throttling, and paid

ensure that the Internet remains a level playing field, as it has always been, and prevent harm to and discrimination against people of color.

**A. The 2015 *Open Internet Order* Provides Consumers and the FCC with Legally Enforceable Mechanisms to Address and Remedy Real Harms Experienced by Consumers**

The NPRM is “frightening in its disregard for the actual experiences of consumers.”<sup>157</sup>

The 2015 *Open Internet Order* provides consumers with several options to address and remedy harms, yet the FCC’s proposal ignores two years of the Commission’s role in helping consumers and addressing and remedying harms. The NPRM mischaracterized the real experiences of consumers by stating, “the Commission’s decision to reclassify broadband Internet access service as a telecommunications service subject to Title II regulation has resulted in negative consequences for American consumers.”<sup>158</sup> The NPRM goes on to suggest that , “reclassifying broadband Internet access as a telecommunication service . . . has not solved any discrete, identifiable problems.”<sup>159</sup> Yet, the NPRM willfully omits facts to the contrary - including more than 47,000 consumer complaints that the FCC has not made available to the public. The 2015

---

prioritization. For the reasons described below, we find each of these practices is inherently unjust and unreasonable, in violation of section 201(b) of the Act, and that these practices threaten the virtuous cycle of innovation and investment that the Commission intends to protect under its obligation and authority to take steps to promote broadband deployment under section 706 of the 1996 Act.”)

<sup>157</sup> *NPRM* Dissenting Statement of Commissioner Clyburn at 64.

<sup>158</sup> *NPRM* at 13, para. 44.

<sup>159</sup> *Id.*

*Open Internet Order* established not only a series of vital consumer protections but also provided enforcement mechanisms and procedures that empower consumers to seek redress from ISPs.<sup>160</sup>

As discussed in National Hispanic Media Coalition’s (“NHMC”) Motion for Extension of Time, which the Commission dismissed in a few paragraphs on the afternoon of the filing deadline,<sup>161</sup> the Commission “willfully neglects to mention or mischaracterizes two years of enforcement under the [2015 *Open Internet Order*] rules.”<sup>162</sup> Under the Administrative Procedure Act (“APA”), the Commission cannot ignore evidence out of convenience.<sup>163</sup> In a rulemaking proceeding an “agency must examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between facts found and the choice made.”<sup>164</sup> An agency may not “entirely fail[ ] to consider an important aspect of the problem.”<sup>165</sup> Additionally, “[i]t is not consonant with the purpose of a rule-making proceeding to promulgate rules on the basis of inadequate data, or on data that, [to a] critical degree, is known only to the

---

<sup>160</sup> See generally, in the 2015 *Open Internet Order* the Commission established a two-tiered framework for enforcing the rules, adopted from the 2010 Order. 2015 *Open Internet Order* at 5704, para. 226. Parties can file informal complaints pursuant to section 1.41 and the Commission would promulgate new procedures governing formal complaints. 2015 *Open Internet Order* at 5704-05, para. 226. The Commission made the complaint processes more user-friendly and accessible, as well as ensuring the review of complaints was inclusive of relevant expertise. 2015 *Open Internet Order* at 5705, para. 227. The Commission found after receiving comments that the rules should include three elements: “(1) legal certainty, so that broadband providers, edge providers, and end users can plan their activities based on clear Commission guidance; (2) flexibility to consider the totality of the facts in an environment of dynamic innovation; and (3) effective access to dispute resolution.” *Id.*

<sup>161</sup> *Restoring Internet Freedom*, WC Docket 17-108, Order (WCB) (Jul.17, 2017).

<sup>162</sup> Motion for Extension of Time, WC Docket No. 17-108 (filed June 26, 2017), (NHMC Motion for Extension of Time).

<sup>163</sup> See 5 U.S.C. § 706(2)(A).

<sup>164</sup> *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (internal citations and quotations omitted).

<sup>165</sup> *Id.*

agency.”<sup>166</sup> Here, the Commission possesses the data critical to addressing a key claim raised in the NPRM but ignores this information in its sole possession and refuses to make it publicly available in time for the comment period. Just as the Commission is not allowed to cherry-pick data, it cannot ignore data that does not support the outcome proposed in the NPRM.<sup>167</sup> Yet, the NPRM conveniently omits key facts that cut against the Commission’s pre-conceived conclusion to gut the rules and the Title II legal authority necessary to enforce them: (1) 47,000+ consumer complaints; (2) extensive consumer interaction with the open Internet Ombudsperson over the past two years; and (3) several enforcement actions brought against large companies such as AT&T, Verizon, and T-Mobile. Neither the Commission nor the public can fully evaluate the effectiveness of the 2015 *Open Internet Order* without first analyzing this evidence.

**(1) 47,000+ Net Neutrality Complaints Illustrate that Consumers Need these Rules**

The NPRM seeks comment on whether the bright-line rules and the “enhanced” transparency rule are necessary to protect consumers.<sup>168</sup> To determine the need for such bright-line rules, the NPRM starts off with the premise that there is “virtually no quantifiable evidence

---

<sup>166</sup> See *Am. Radio Relay League, Inc. v. FCC*, 524 F.3d 227, 237 (D.C. Cir. 2008) (internal citation and quotations omitted). In *Am. Radio Relay League v. FCC*, the Am. Radio Relay League had requested through FOIA five studies gathered from field tests performed by the FCC’s Office of Engineering and Technology. See *id.* However, certain portions of the studies were redacted, and an *in camera* review of the documents revealed staff summaries of test data, scientific recommendations and test analysis and conclusions regarding the methodology. The court noted that when “an agency’s determination is based upon a complex mix of controversial and uncommented upon data and calculations, there is no APA precedent allowing an agency to cherry-pick a study on which it has chosen to rely in part.” See *id.* (internal citations and quotations omitted).

<sup>167</sup> See *id.* at 237.

<sup>168</sup> See generally NPRM at 22-26, paras. 76-91.

of consumer harm.”<sup>169</sup> Yet, since the 2015 *Open Internet Order* went into effect on June 12, 2015, the Commission has received approximately 47,279 open Internet informal complaints.<sup>170</sup> Open Internet informal complaints “provide end users, edge providers, and others with a simple and efficient vehicle for bringing potential open Internet violations to the attention of the Commission.”<sup>171</sup> Additionally, the Commission states on its website that, “[b]y filing a consumer complaint and telling your story, you contribute to federal enforcement and consumer protection efforts on a national scale and help us identify trends and track the issues that matter most.”<sup>172</sup>

The NPRM asks several questions about the impact that the 2015 *Open Internet Order* had on consumers, stunningly ignoring the 47,279 informal open Internet complaints<sup>173</sup> filed by consumers since the rules went into effect. The NPRM directly asks if there is “evidence of actual harm to consumers sufficient to support maintaining the Title II telecommunications service classification for broadband Internet access service?” Furthermore, the Commission seeks “any evidence that the likelihood of these [harms] occurring decreased with a shift to Title II?”<sup>174</sup> The sheer amount of consumer complaints alone suggests that consumers enthusiastically embraced the 2015 *Open Internet Order* and the means to finally address and remedy harms

---

<sup>169</sup> *NPRM* at 22, para. 76.

<sup>170</sup> *Restoring Internet Freedom*, WC Docket 17-108, Order (WCB) (Jul. 17, 2017); Letter from Nancy Stevenson, Deputy Chief, Consumer & Governmental Affairs Bureau, to Carmen Scurato, Director of Policy & Legal Affairs, National Hispanic Media Coalition (June 20, 2017) (on file in FOIA Nos. 2017-565, 2017-577, 2017-638 & 2017-639).

<sup>171</sup> *2015 Open Internet Order* at 68, para. 226. *See also id.* at paras. 249-250 (Noting that “informal complaints include a simple and straightforward evidentiary standard,” and that there is no “specific pleading requirements for informal complaints” yet “parties filing them should attempt to provide the Commission with sufficient information and specific facts that, if proven true, would constitute a violation of the Open Internet rules.”).

<sup>172</sup> *Consumer Complaint Center*, <https://consumercomplaints.fcc.gov/hc/en-us> (last visited July 16, 2017).

<sup>173</sup> NHMC Motion for Extension of Time and attachments.

<sup>174</sup> *NPRM* at 15, para. 50.

committed by their ISPs. Without more detailed information about the content and resolution of these complaints, the FCC cannot argue otherwise.

NHMC, a Voices for Internet Freedom Coalition member, filed a Freedom of Information Act (“FOIA”) request on May 1, 2017,<sup>175</sup> only four days after the draft NPRM was released,<sup>176</sup> asking for “all documents, information, and communications related to informal complaints submitted to the FCC since June 2015 under the category of Open Internet/Net Neutrality.”<sup>177</sup>

The requested consumer complaints are relevant to a series of questions posed by the NPRM:

Is there evidence of actual harm to consumers sufficient to support maintaining the Title II telecommunications service classification for broadband Internet access service? Is there any evidence that the likelihood of these events occurring decreased with the shift to Title II?<sup>178</sup>

Conversely, what, if any, changes have been made as a result of Title II reclassification that have had a positive impact on consumers? Was Title II reclassification necessary for any of those changes to occur? Is there any evidence, for example, that consumers’ online experiences and Internet access have improved due to policies adopted in the *Title II Order*?<sup>179</sup>

How does the rule benefit consumers, and what are its costs? When is “throttling”

---

<sup>175</sup> NHMC Motion for Extension of Time and attachments.

<sup>176</sup> See ATTACHMENT A. Chairman Ajit Pai announced the intent to open a proceeding to revoke the *2015 Open Internet Order* in a speech at a Newseum event titled “The Future of Internet Freedom” on April 26, 2017. See *Remarks Of FCC Chairman Ajit Pai At The Newseum, The Future Of Internet Freedom, Washington, DC* (Apr. 26, 2017), [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2017/db0427/DOC-344590A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0427/DOC-344590A1.pdf). On April 27, 2017 the Commission released a draft of the NPRM, Notice of Proposed Rulemaking, WC Docket No. 17-108, (Draft Rel. Apr. 27, 2017), [https://apps.fcc.gov/edocs\\_public/attachmatch/DOC-344614A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DOC-344614A1.pdf). The final NPRM was released on May 23, 2017.

<sup>177</sup> See ATTACHMENT A. NHMC exported publicly available data from the Consumer Complaint Data Center on April 28, 2017 showing that close to 37,000 informal Open Internet/Net Neutrality complaints had been filed with the Commission during the relevant time period. See ATTACHMENT F stating that there are approximately 47,279 information complaints related to “Open Internet.”

<sup>178</sup> NPRM at 15, para. 50 (emphasis added).

<sup>179</sup> *Id.* at para. 51 (emphasis added).

harmful to consumers?<sup>180</sup>

Would the original transparency rule, which has been continuously operational since it came into effect following adoption of the *Open Internet Order*, be sufficient to protect consumers? . . . For example, does the full and accurate disclosure of service plan information to consumers carry with it most of the benefits of the rule? How often do non-consumers rely on the additional disclosures required by the transparency rule?<sup>181</sup>

Can we infer that parties heeded the Commission’s encouragement to “resolve disputes through informal discussions and private negotiations” without Commission involvement, except through the informal complaint process? Does the lack of formal complaints indicate that dedicated, formal enforcement procedures are unwarranted?<sup>182</sup>

As the Motion for Extension of Time states, “[n]owhere in the NPRM does the Commission address the 47,279 open Internet complaints submitted by consumers.”<sup>183</sup> The resolution to these complaints provides, in part, the answers to the questions critical to the outcome of this proceeding and these answers cannot be discovered until all information requested is released in full.

FCC FOIA officers could not produce a comprehensive analysis, or even a summary, of the more than 47,000 open Internet complaints. This failure calls into question whether the FCC reviewed and analyzed its own internal evidence before commencing this proceeding. Of the requested documents, NHMC received a fraction of the consumer complaints. The FCC provided samples of the complaints, which are included in the attached appendices, but they barely scratch the surface of what the Commission holds outside of public view.<sup>184</sup> The samples are incomplete and do not include responses from ISPs. Questions regarding these vital consumer protections

---

<sup>180</sup> *Id.* at para. 83.

<sup>181</sup> *Id.* at para. 90.

<sup>182</sup> *Id.* at para. 98.

<sup>183</sup> NHMC Motion for Extension of Time at 7.

<sup>184</sup> Three spreadsheets (Sample Complaint Spreadsheets) with samples of no-blocking, no-throttling and billing complaints have been submitted in separate attachments.

should not be answered in the abstract when the Commission itself holds key data, 47,279 consumer complaints, to answer it more concretely.

Moreover, the Commission denied the NHMC's Motion for Extension of Time several hours before the comment filing deadline. NHMC sought additional time for comment in this proceeding until the FCC responds to makes the relevant evidence available for public analysis and comment. The Commission's failure to grant the Motion and its move to rush ahead, while depriving the public of key evidence, runs afoul of the Administrative Procedure Act.

**(a) The FCC Must Preserve the No-Blocking Rule and Continue to Remedy Consumer Harms**

To protect consumers, the Commission must preserve the no-blocking rule as enacted in the 2015 *Open Internet Order*. The NPRM states that the Commission “has repeatedly found the need for a no-blocking rule on principle” and asks “whether a codified no-blocking rule is needed.”<sup>185</sup> The no-blocking rule protects consumers’ “freedom to send and receive lawful content and to use and provide applications and services without fear of blocking,”<sup>186</sup> and is an essential part of the Net Neutrality protections. Even the limited evidence that FCC has turned over indicate that at least 620<sup>187</sup> consumers have filed complaints about blocking by ISPs. Incredibly, the NPRM fails to even mention these complaints. Meanwhile, the FCC is actively working to withhold information from NHMC and the public by repeatedly insisting that NHMC

---

<sup>185</sup> NPRM at 23, para. 80.

<sup>186</sup> NPRM at 23, para. 80 (citing to *Open Internet Order* at 33, para.111, 30 FCC Rcd at 5674-48).

<sup>187</sup> Appendix D at 4.

narrow the scope of its request.<sup>188</sup> Thus, at this moment, without access to the full scope of evidence available only to the Commission, the Voices Coalition cannot further meaningfully comment.

**(b) The FCC Must Preserve the No-Throttling Rule and Continue to Address Consumer Harms**

The Commission must also preserve the no-throttling rule, which “mirrors the no-blocking rule and bans the impairment or degradation of lawful Internet traffic or use of a non-harmful device, subject to reasonable network management practices.”<sup>189</sup> The NPRM asks, “[w]hen is ‘throttling’ harmful to consumers?”<sup>190</sup> Again, this question should not be answered in the abstract when the Commission itself possesses a promising source for concrete answers. What little can be gleaned from the limited sample of complaints indicates that the full request would provide useful insights into what consumers are experiencing when attempting to access websites or streaming services.<sup>191</sup> The Commission has stated that it has received 1,360 throttling complaints.<sup>192</sup> The limited sample of these complaints shows that many consumers complained of reduced speeds when trying to access video streaming websites like Netflix and YouTube.<sup>193</sup> Due to the lack of evidence noted above,<sup>194</sup> the Voices Coalition is unable to meaningfully comment on this issue until the Commission releases all of the relevant evidence, including consumer complaints and ISP responses.

---

<sup>188</sup> NHMC Motion for Extension of Time.

<sup>189</sup> *NPRM* at 23, para. 83.

<sup>190</sup> *Id.*

<sup>191</sup> Sample Complaint Spreadsheets.

<sup>192</sup> APPENDIX D at 1.

<sup>193</sup> Sample Complaint Spreadsheets.

<sup>194</sup> See discussion *supra* Part. II.A.1.a.

**(c) The FCC Must Preserve the Ban on Paid Prioritization**

The Commission must also preserve the ban on paid prioritization or “fast lanes” because these practices will inevitably “harm consumers, competition, and innovation.”<sup>195</sup> The NPRM suggests that the “record evidence” that led to the 2015 *Open Internet Order* did not support the need to ban paid prioritization because ISPs “made it clear that they did not engage in paid prioritization, and had no plans to do so.”<sup>196</sup> But this is a blatant lie. In oral arguments before the D.C. Circuit Court of Appeals, Verizon’s counsel unambiguously declared several times that Verizon authorized her to state that it would be seeking paid prioritization agreements but-for the Net Neutrality rules.<sup>197</sup> This admission alone speaks volumes.

Moreover, if the Commission allows for paid prioritization, it would increase barriers to entry for start-ups, small businesses, entrepreneurs, and creators seeking to find customers or an audience. Additionally, with over 25,863<sup>198</sup> documented complaints regarding data caps so far, paid prioritization could further limit consumers’ Internet experience. Paid prioritization is the exact type of practice that would disadvantage the real people highlighted in the stories above. It would create an Internet where only those with the deepest pockets could access an audience, customers, and services. Paid prioritization would stifle innovation and ensure that a good idea would no longer thrive based on its merit but on its ability to profit established and entrenched

---

<sup>195</sup> NPRM at 24, para. 85.

<sup>196</sup> *Id.*

<sup>197</sup> See Brendan Sasso, *On Net Neutrality, Verizon Leads Push for ‘Fast Lanes’*, (July 18, 2014), <https://www.theatlantic.com/politics/archive/2014/07/on-net-neutrality-verizon-leads-push-for-fast-lanes/456891/> (quoting Helgi Walker, Verizon’s attorney as saying, “I’m authorized to state by my client today that but for these rules, we would be exploring those types of arrangements.”)

<sup>198</sup> See APPENDIX D at 4.

financial interests. The FCC must therefore maintain an enforceable ban on paid prioritization and preserve the Internet as a democratizing force for all Americans.

**(2) Eliminating the Ombudsperson Role Without Adequate Analysis from the Commission Would be Detrimental to Consumers**

The 2015 *Open Internet Order* established an “ombudsperson to assist consumers, businesses, and organizations with open Internet complaints and questions by ensuring these parties have effective access to the Commission’s processes that protect their interests.”<sup>199</sup> Due to the wide support expressed in the record, the Commission noted that this “clearly demonstrated the range of groups a dedicated ombudsperson can serve.”<sup>200</sup> Additionally, the ombudsperson was intended to work as a “point of contact and a source of assistance as needed, not as an advocate or as an officer who must be approached for approval.”<sup>201</sup> The role of the ombudsperson is clearly defined in the 2015 *Open Internet Order*:

For example, the ombudsperson will be able to provide initial assistance with the Commission’s dispute resolution procedures by directing such parties to the appropriate templates for formal and informal complaints. We expect the ombudsperson will assist interested parties in less direct but equally important ways. These could include conducting trend analysis of open Internet complaints and, more broadly, market conditions, that could be summarized in reports to the Commission regarding how the market is functioning for various stakeholders. The ombudsperson may investigate and bring attention to open Internet concerns, and refer matters to the Enforcement Bureau for potential further investigation.<sup>202</sup>

---

<sup>199</sup> 2015 *Open Internet Order* at 75, para. 254. Additionally, the *Open Internet Order* verifies that the “record filed supports our conclusion that these parties would benefit from having an ombudsperson as a point of contact within the Commission for questions and complaints.” *Id.*

<sup>200</sup> 2015 *Open Internet Order* at 75, para. 255.

<sup>201</sup> *Id.*

<sup>202</sup> *Id.* at 75, para. 256.

Despite the importance placed on the role of the ombudsperson to assist consumers and “often unrepresented groups,”<sup>203</sup> the NPRM nonetheless proposes to “eliminat[e] the ombudsperson role.”<sup>204</sup> Not only does the Commission question whether “the role is necessary to protect consumers, business, and other organizations’ interests” but also states that “[o]ur experience suggests that consumers are comfortable working with CGB, and typically did not call on the ombudsperson specifically.”<sup>205</sup>

This unqualified conclusory statement demonstrates, at best, a negligent disregard for the Commission’s own record and, at worst, is a flat out lie. That the FCC peddles this falsehood as fact calls into question whether the public can rely on any of the NPRM’s factual assertions. NHMC still has an outstanding FOIA request that it submitted to the Commission on May 1, 2017<sup>206</sup> seeking “all records, including but not limited to emails, phone calls, handwritten or typed notes, and calendar invites since June 2015 indicating when consumers, businesses, and other organizations sought guidance from the ombudsperson.”<sup>207</sup> In response, FCC FOIA officers have unequivocally confirmed the existence of thousands of documents related to this request.<sup>208</sup> On June 12, 2017, the FCC’s Mike Hennigan informed NHMC over the phone of the thousands of documents in this request. Hennigan also disclosed that he had not started processing these documents and, therefore, the documents would not be available for production by the agreed upon extended deadline of June 20, 2017. Hennigan explained that such documents would be produced on a rolling basis but did not provide NHMC with a date of completion.

---

<sup>203</sup> *Id.*

<sup>204</sup> *NPRM* at 27, para. 97.

<sup>205</sup> *Id.*

<sup>206</sup> NHMC Motion for Extension of Time and attachments.

<sup>207</sup> *Id.*

<sup>208</sup> Appendix D at 1. *See also* NHMC Motion for Extension of Time and attachments.

During a follow-up phone conversation on June 19, 2017, Hennigan again reiterated that the ombudsperson had received a large volume of complaints and correspondence and said that NHMC would receive documents as they became ready.

The sheer amount of these documents ignored by the NPRM raises serious questions about internal processes at the Commission. For instance, if the consumers “typically did not call on the ombudsperson specifically,” then why are there thousands of documents illustrating such interactions? In drafting the NPRM, and before espousing this assumption, did the Commission bother to check with Parul Desai and Michael Janson, the only two individuals to hold the ombudsperson role? They would not be difficult to find as they are still employed with the Commission, according to the FCC’s “Find People” search tool. If the Commission failed at even this minor task, how can the public be sure that the rest of the NPRM is based on solid research, analysis, and due diligence? The public cannot see what goes on behind closed doors but one thing is clear: the FCC has failed to conduct a thorough analysis of documents within its exclusive possession regarding the benefits of the ombudsperson role to consumers, businesses, and other organizations. Thus, the Commission’s proposal to eliminate the ombudsperson without delivering all the requested documents to NHMC and the public, and without sufficient time for review and comment, is patently unreasonable.<sup>209</sup>

---

<sup>209</sup> See generally NHMC Motion for Extension of Time.

**B. The NPRM Conveniently Omits Recent FCC Enforcement Actions That Protected Consumers from Net Neutrality Violations**

The NPRM seeks comment on “whether advisory opinions or enforcement advisories have benefitted consumers or broadband Internet access service providers.”<sup>210</sup> The answer is clearly yes, they have.

The 2015 *Open Internet Order* provides that the Commission will prevent Net Neutrality violations “through investigation and the processing of complaints (both formal and informal)[, . . . by] provid[ing] guidance through the use of enforcement advisories and advisory opinions, and . . . appoint[ing] an ombudsperson. The *Open Internet Order* delegates to the Enforcement Bureau the authority to request a written opinion from an outside technical organization or otherwise to obtain objective advice from industry standard-setting bodies or similar organizations.”<sup>211</sup> The Commission encouraged parties to resolve issues together and to rely on the FCC as a last resort.<sup>212</sup> The Commission would also “proactively monitor compliance,” through complaints and press coverage, and take action against any party that violated the open Internet rules.<sup>213</sup>

While this is a detailed and comprehensive process, many members of the public have successfully learned to use it. However, one would not learn that through reading the NPRM.<sup>214</sup> The Commission is not allowed to cherry-pick data, but it has ignored data that does not support

---

<sup>210</sup> *NPRM* at 27, para. 96.

<sup>211</sup> *2015 Open Internet Order* at 5612, para. 36.

<sup>212</sup> *Id.* at 5704, para. 225.

<sup>213</sup> *Id.* at 5704, para. 225-26.

<sup>214</sup> *Id.* at 5623-42, paras. 71-99.

the intended proposed rules in the NPRM.<sup>215</sup> In a rulemaking proceeding an “agency must examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between facts found and the choice made.”<sup>216</sup> Moreover, a final rule would be considered arbitrary and capricious if the agency “entirely failed to consider an important aspect of the problem.”<sup>217</sup> Here, the NPRM fails to mention three high-profile FCC enforcement actions that have taken place in just the past two years.

**(1) AT&T Notice of Apparent Liability for  
Transparency Violations**

In June 2015, the Commission issued an enforcement action against AT&T Mobility, LLC, that addressed its practices “that inhibited consumers’ ability to make informed choices about mobile broadband data services.”<sup>218</sup> In June 2007, AT&T offered customers unlimited data plans with no high-speed data caps or restrictions but discontinued those plans in June 2010.<sup>219</sup> AT&T claimed to “grandfather in” customers who had already had these unlimited data plans.<sup>220</sup> Then, in 2011, AT&T implemented its Maximum Bit Rate (“MBR”) policy which capped speeds once customers used 5GB of data during a billing cycle.<sup>221</sup> This dramatically reduced network speeds to far below advertised rates.<sup>222</sup> Speeds were so slow that customers could not use their smartphones to stream video, video chat with family and friends, or access GPS service.<sup>223</sup>

---

<sup>215</sup> *Am. Radio Relay League, Inc. v. FCC*, 524 F.3d 227, 237 (D.C. Cir. 2008).

<sup>216</sup> *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

<sup>217</sup> *Id.*

<sup>218</sup> *In the Matter of AT&T Mobility, LLC.*, 30 F.C.C. Rcd 6613, 6613 (F.C.C. 2015).

<sup>219</sup> *Id.* at 6615.

<sup>220</sup> *Id.*

<sup>221</sup> *Id.* at 6616.

<sup>222</sup> *Id.*

<sup>223</sup> *Id.* Speeds were reduced for an average of 12 days per billing cycle. *Id.* at 6613.

The 2010 *Transparency Rule* went into effect in 2011.<sup>224</sup> By 2015, the Commission had received thousands of complaints from AT&T customers regarding their unlimited data plans.<sup>225</sup> Customers complained of intentionally reduced speeds and not getting what they had paid for.<sup>226</sup> Four years after the MBR policy was put into place and AT&T had supposedly put customers on notice that they would not be eligible for unlimited data plans, the Commission still received a “steady stream” of complaints.<sup>227</sup>

For example, one complaint from October 2014 alleged, “I entered into a contract believing I was paying for unlimited data at 4[G] speeds. Providing me less than that seems disingenuous at the least. They say this is because of overloaded networks but then offer ‘double data’ promotions up to 100 [gigabytes] for new customers.” In another complaint, an AT&T unlimited data plan customer alleged that AT&T “did not advertise ‘throttling.’ I have received text messages from AT&T stating my data would be throttled back if I went over 3GB . . . with no standard reasoning other than [I] have a[n] unlimited data account . . . I was not told of this ‘throttling’ when I signed this contract.” In yet another complaint, a customer stated, “After I purchased these plans, A[T]&T changed their policy about what ‘unlimited’ meant. They would begin to throttle my connection if they felt a set amount of data [was exceeded] during a specific billing cycle. I disagreed with this policy since it was not what I had signed up for.”<sup>228</sup>

---

<sup>224</sup> 47 CFR § 8.3; *Preserving the Open Internet*, GN Docket No. 09-191, WC Docket No. 07-52, Report and Order, 25 FCC Rcd 17905, 17911, FCC 10-201 (Dec. 23, 2010) (2010 *Transparency Rule*).

<sup>225</sup> *Id.* at 6618 .

<sup>226</sup> *Id.*

<sup>227</sup> *Id.*

<sup>228</sup> *Id.*

The Commission found AT&T to have willfully and repeatedly violated the 2010 *Transparency Rule* which states that anyone “engag[ing] in the provision of broadband Internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of such services.”<sup>229</sup> AT&T had “(1) us[ed] the misleading and inaccurate term ‘unlimited’ to label a data plan that was in fact subject to prolonged speed reductions after a customer used a set amount of data; and (2) fail[ed] to disclose the express speed reductions that it applied to ‘unlimited’ data plan customers once they hit a specified data threshold.”<sup>230</sup>

**(2) T-Mobile Consent Decree on its De-Prioritization Policy**

In March 2015, the Enforcement Bureau’s investigation found that T-Mobile had a “Top 3 Percent Policy . . . that de-prioritized the data usage of customers on T-Mobile and MetroPCS UDP [(Unlimited Data Plan) user]s who ha[d] exceeded a certain threshold of data usage.”<sup>231</sup> Although all customers accessing the network at a “contended” cell sector would experience a reduction in the network’s performance, all other factors being equal, a customer that was subject to the Top 3 Percent Policy would be given substantially fewer network resources than a customer who was not.<sup>232</sup> This meant that at times of network congestion, customers who

---

<sup>229</sup> 2010 *Transparency Rule* at 17911.

<sup>230</sup> *In the Matter of AT&T Mobility* at 6613.

<sup>231</sup> *In the Matter of T-Mobile USA, Inc.*, 31 F.C.C. Rcd 11410, 11410-11 (F.C.C. 2016).

<sup>232</sup> *Id.* at 11418.

typically used a lot of data would have their data speeds reduced to even less than other customers.<sup>233</sup>

During the investigation, the Commission received hundreds of complaints from T-Mobile and MetroPCS subscribers who were unhappy with the de-prioritization policy.<sup>234</sup> They complained that they “were not receiving ‘unlimited’ data as had been sold to them, that their data throughput speeds after de-prioritization caused their data service to be ‘unusable’ for many hours each day, that the de-prioritization policy led to them consuming ‘half’ of the data they wanted to use, or that they had gone to too much trouble changing plans from another carrier to switch again, even though they felt misled by T-Mobile.”<sup>235</sup> One customer complained that he could not watch movies because the low speeds made streaming services unusable, and another customer complained that despite paying \$300 for four unlimited data plans they were not getting the service they expected and yet could not leave the company because they were on a payment plan.<sup>236</sup>

Unlike AT&T, T-Mobile did not have a set reduction in speed and the exact reduction in speed varied based on several factors and only occurred in times and places where the network experienced congestion.<sup>237</sup> T-Mobile did not explain to its customers the data threshold they would have to reach to trigger speed reductions, how these reductions would affect their ability to use data services, or even the fact that reductions could occur.<sup>238</sup>

---

<sup>233</sup> *Id.*

<sup>234</sup> *Id.* at 11411.

<sup>235</sup> *Id.*

<sup>236</sup> *Id.*

<sup>237</sup> *In the Matter of T-Mobile USA, Inc.*, 31 F.C.C. Rcd 11410, 11418 (F.C.C. 2016).

<sup>238</sup> *Id.*

The FCC action helped better inform consumers of what they were paying for, the effects of these speed reductions on their data services and which data services the reductions would affect, and prevented them from getting involved in expensive plans that did not suit them. This enabled customers who used a significant amount of data to compare plans between different companies and see what best suited them, so they would be able to get a plan that would work for them and not be tricked into entering a plan that did not do what it purported to.

### **(3) Verizon Wireless Practices Raise Privacy Concerns**

In December 2014, the Enforcement Bureau began investigating Verizon Wireless after “news stories raised privacy concerns with its use of UIDH [(Unique Identifier Headers)] and the Commission received related consumer complaints.”<sup>239</sup> In 2012, Verizon had deployed two targeted advertising services without disclosing them to customers.<sup>240</sup> The services collected extensive personal information.<sup>241</sup> One service, Verizon Select, collected information like browser history, location data, and the application and device features used.<sup>242</sup> The other service, RMA, collected demographic information, postal and email addresses, and information about the mobile device.<sup>243</sup> It was not until October 2014 that Verizon finally disclosed the presence of the UIDH and what it entailed, and this was only in the “Frequently Asked Questions” section of its website, not in more visible locations like the contracts.<sup>244</sup>

---

<sup>239</sup> *In the Matter of Cellco P'ship, d/b/a Verizon Wireless*, 31 F.C.C. Rcd 1843, 1843 (F.C.C. 2016).

<sup>240</sup> *Id.* at 1847-48 .

<sup>241</sup> *Id.*

<sup>242</sup> *Id.*

<sup>243</sup> *Id.*

<sup>244</sup> *Id.* at 1849-50 .

In January 2015, an advertising partner used the UIDH for unauthorized purposes when it restored cookies that had been deleted by users.<sup>245</sup> The investigation found “at least one of Verizon Wireless's advertising partners used UIDH for unauthorized purposes to circumvent consumers' privacy choices by restoring deleted cookies . . . [and] that Verizon Wireless inserted UIDH into the Internet traffic made from mobile device lines, including enterprise, government, and Mobile Virtual Network Operator (MVNO) lines, which were ineligible to participate in Verizon Wireless's targeted advertising programs.”<sup>246</sup> As the investigation progressed, Verizon updated its privacy policy to disclose the UIDH to customers and to give them a way to opt-out of the program entirely.<sup>247</sup>

Only after Verizon was placed under public scrutiny and the Commission became involved did Verizon finally do what it should have done from the beginning when it implemented these targeted advertising programs. Companies should be open with their customers and inform them when they are using their personal data and for what purpose. Consumers should be able to keep personal information private if they have the option. Incidents like these demonstrate that even when a rule requiring corporate transparency is on the books, the public still requires vigilant FCC enforcement to truly protect consumers.

**C. Revoking the Commission’s Title II Authority Over Broadband Will Negatively Impact Other Important FCC Programs and Policy Goals**

To ensure the Commission’s Lifeline program can support stand-alone broadband options for low-income consumers, and for the Commission to play a central role in protecting

---

<sup>245</sup> *Id.* at 1850 .

<sup>246</sup> *Id.* at 1843.

<sup>247</sup> *Id.* at 1850.

consumers' privacy online, it must preserve Title II authority over broadband Internet service. At present, the Commission has all but officially relinquished its role to increase choice and competition in the Lifeline program. It has taken actions that run counter to the Commission's goal of bridging the digital divide. Additionally, the FCC's evasion of its responsibility to protect consumer privacy online will disproportionately impact people of color and other groups that are frequent targets of invasive surveillance technologies.<sup>248</sup>

**(1) The FCC's Title II Authority is Critical to the Provision of Stand-Alone Lifeline Broadband Service**

The Commission's proposal to repeal the classification of broadband Internet service as a Title II telecommunications service could have far reaching consequences and severely impact the 2016 modernization of the Lifeline Program. In 2016, the FCC expanded the voice-only and bundled program to include stand-alone broadband.<sup>249</sup> The *Lifeline Modernization Order* found:

In order to narrow the digital divide and provide broadband access to all consumers . . . the Commission needs to ensure that such consumers have access to robust service offerings. Given that broadband is an essential tool for completing homework, searching and applying for jobs, and interacting with healthcare providers, it is imperative that everyone has access to sufficient service. To narrow the digital divide, low-income consumers should have access

---

<sup>248</sup> Malkia A. Cyril, *The Antidote to Authoritarianism*, (May 8, 2017), <https://www.theatlantic.com/technology/archive/2017/05/the-antidote-to-authoritarianism/525438>.

<sup>249</sup> See *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 *et al.*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962 at para. 49 (2016) (“2016 *Lifeline Modernization Order*”) (Noting that “[b]y allowing support for standalone broadband services with Lifeline, we add an additional measure of consumer choice as well as the opportunity for innovative providers to serve low-income consumers in new ways. Supporting standalone broadband offerings will not only allow consumers to subscribe to offerings that work best for their needs, but Lifeline providers will also seek to find solutions that work best for their customers.”).

to services that are reasonably comparable to those which are available to a majority of Americans.<sup>250</sup>

The legal authority for this policy change was grounded in the 2015 *Open Internet Order*'s reclassification of broadband Internet service as a telecommunications service under Title II.

The NPRM relegates questions about the impact of this proceeding on Lifeline to a single paragraph. In it, the Commission states, “[w]e propose to maintain support for broadband in the Lifeline program after reclassification . . . Accordingly, as the Commission did in the *Universal Service Transformation Order*, we propose requiring Lifeline carriers to use Lifeline support ‘for the provision, maintenance, and upgrading’ of broadband services and facilities capable of providing supported services.”<sup>251</sup> Indeed, in raising this, the Commission essentially acknowledges that the instant proceeding undermines *Lifeline Modernization Order* reforms.

On February 3, 2017, the Commission paralyzed the Lifeline Broadband Provider (“LBP”) designation process and directly curtailed opportunities for poor people to connect to broadband.<sup>252</sup> Aside from requesting public comment<sup>253</sup> on its decision to revoke the designations of nine LPBs in early March 2017, the Commission has done nothing to advance LBP options for consumers. As some Voices Coalition members noted then this action “erodes Lifeline’s promise by eliminating subsidized broadband opportunities and introducing uncertainty into the program – chilling the type of robust competition contemplated in the

---

<sup>250</sup> See *Lifeline Modernization Order* at para. 22.

<sup>251</sup> NPRM at 20, para. 68.

<sup>252</sup> See generally *Telecommunications Carriers Eligible for Universal Service Support, Lifeline and LinkUp Reform and Modernization*, WC Docket Nos. 09-197, 11-42, Order on Reconsideration, DA 17-128 (rel. Feb. 3, 2017).

<sup>253</sup> See *Wireline Competition Bureau Seeks Comment on Request for Reconsideration Concerning Lifeline Broadband Providers*, WC Docket Nos. 09-197, 11-42, DA 17-213 (rel. Mar. 2, 2017).

*Lifeline Modernization Order.*<sup>254</sup> Affordability is the main barrier to home Internet adoption for low-income families, who are also commonly forced to drop service in the face of financial stress.<sup>255</sup> Lifeline remains the only federal program to directly tackle the affordability barrier to home broadband adoption and is positioned to provide a “pathway out of poverty for millions of people, opening doors that would otherwise be closed to economic and educational opportunities.”<sup>256</sup> This continued uncertainty harms poor people and people of color, who are disproportionately impacted by the ongoing digital divide.<sup>257</sup>

---

<sup>254</sup> Voices for Internet Freedom Members Comments, WC Docket Nos. 11-42 and 09-197, at 2 (Mar. 16, 2017) (Voices Comments).

<sup>255</sup> See S. Derek Turner, Free Press, *Digital Denied: Systemic Racial Discrimination in Home-Internet Adoption* at 104 (Dec. 2016) (“Some people with severe budget constraints may see a maze of expensive, bundled wired Internet and pay-TV offerings, and simply choose to stick with their mobile data connection. Others may go for a promotional bundle deal, only to drop the service after the bill shock hits when the discount expires.”), [https://www.freepress.net/sites/default/files/resources/digital\\_denied\\_free\\_press\\_report\\_december\\_2016.pdf](https://www.freepress.net/sites/default/files/resources/digital_denied_free_press_report_december_2016.pdf).

<sup>256</sup> See Voices Comments at 9. See, e.g., Comments of the National Hispanic Media Coalition, WC Docket Nos. 11-42, 09-197, and 10-90 (Aug. 31, 2015); *Lifeline: Improving Accountability and Effectiveness Hearing Before the Subcommittee on Communications, Technology, Innovation and the Internet of the Senate Committee on Commerce, Science, and Transportation*, 114th Congress (2015) (statement of Jessica J. González, National Hispanic Media Coalition).

<sup>257</sup> See S. Derek Turner, Free Press, *Digital Denied: Systemic Racial Discrimination in Home-Internet Adoption* at 4-5, 63, 4 (Dec. 2016) [https://www.freepress.net/sites/default/files/resources/digital\\_denied\\_free\\_press\\_report\\_december\\_2016.pdf](https://www.freepress.net/sites/default/files/resources/digital_denied_free_press_report_december_2016.pdf) (Digital Denied). (Currently, 81 percent of non-Hispanic Whites are connected to home broadband, compared to only 70 percent of Hispanics and 68 percent of Blacks. Only 49 percent of households with annual family incomes below \$20,000 have Internet in the home, compared to nearly 90 percent of households with incomes above \$100,000. But income inequality alone does not explain the disparity in home broadband adoption between Whites and people of color. Digital Denied at 4-5. Free Press’s report *Digital Denied* concludes that the “racial and ethnic adoption gap persists [even] among the poorest households,” suggesting that “structural racial discrimination or other structural factors beyond simple income differences” are to blame for the disparity in home broadband adoption. Digital Denied at at 63 *Digital Denied* found that, “58 percent of [ ] low-income Whites have home Internet access, versus just

Support for the Lifeline program extends far beyond the Beltway. Free Press received over 13,000 comments and personal stories discussing the urgent need for Lifeline broadband.<sup>258</sup> Demand Progress also collected over 18,000 signatures from members to strongly support the *Lifeline Modernization Order*.<sup>259</sup> And according to a recent poll, 75 percent – a strong majority of Americans – agree that “Internet access is essential and everyone needs it in the 21<sup>st</sup> century economy.”<sup>260</sup> The poll went on to note that “this view is shared across party lines – 84 percent of Democrats, 67 percent of Republicans, and 68 percent of Independents agree.”<sup>261</sup> Further, federal subsidies that make the Internet more affordable for low-income Americans, such as the Lifeline program, are popular and have bipartisan support. In total, 70 percent of Americans support a policy to help low-income Americans afford Internet access, with 86 percent of Democrats, and 52 percent of Republicans supporting such policies.<sup>262</sup>

Section 254 of the Act expressly states that the FCC must ensure that low-income consumers “have access to telecommunications and information services, including . . . advanced

---

51 percent of Hispanics and 50 percent of Black people in the same income bracket.”) Digital Denied at 4.

<sup>258</sup> See Voices for Internet Freedom Members Reply, WC Docket Nos. 11-42 and 09-197 at 5 (Mar. 23, 2017); see also *id.* at APPENDIX A; comments of Free Press members telling the Federal Communications Commission Chairman Ajit Pai to implement the Lifeline Modernization Order immediately (Mar. 23, 2017),

[https://ecfsapi.fcc.gov/file/1032304338592/free\\_press\\_lifeline\\_comments.pdf](https://ecfsapi.fcc.gov/file/1032304338592/free_press_lifeline_comments.pdf).

<sup>259</sup> See Demand Progress Member Comments (Mar. 23, 2017) available at <https://ecfsapi.fcc.gov/file/10322558829315/Demand%20Progress%20Lifeline%20Comments%2020170322.pdf>.

<sup>260</sup> Freedman Consulting, LLC, New Poll: Americans Overwhelmingly Support Existing Net Neutrality Rules, Affordable Access, and Competition Among ISPs at 2 (July 10, 2017), [http://tfreedmanconsulting.com.routing.wpmanagedhost.com/wp-content/uploads/2017/07/Tech-Policy-Poll-Summary\\_Final\\_20170710.pdf](http://tfreedmanconsulting.com.routing.wpmanagedhost.com/wp-content/uploads/2017/07/Tech-Policy-Poll-Summary_Final_20170710.pdf).

<sup>261</sup> *Id.*

<sup>262</sup> *Id.*

telecommunications and information services”<sup>263</sup> and that universal service is an “evolving level of *telecommunications service*.”<sup>264</sup> Because the 2015 *Open Internet Order* defined broadband Internet service as a telecommunications service, the Commission noted that broadband is a telecommunications service and considered now a “supported service . . . that warrants inclusion in the definition of universal service.”<sup>265</sup> It is unclear whether the alternate legal authority proposed by the Commission in the NPRM is directly applicable to the Lifeline program.<sup>266</sup> Further, it is further unclear whether the Commission wishes to alleviate this uncertainty or continue to exacerbate it to the continued detriment of low-income individuals who could greatly benefit from the Lifeline subsidy.<sup>267</sup> Taking all such factors into consideration, the Commission must adequately weigh the impact of revoking Title II on the entirety of the Lifeline program and provide clear guidance and commitment to increasing choice and competition within the program. The stories shared at the Skid Row Forum explain why the FCC’s *Lifeline Modernization Order* is so necessary, and the current NPRM’s threat thereto so cruel.

*Teacher Melissa Baranic: Children Cannot Succeed in School Without Home Internet*

---

<sup>263</sup> See 47 U.S.C. § 254(b)(3).

<sup>264</sup> See 47 U.S.C. § 254(c) (emphasis added).

<sup>265</sup> See *Lifeline Modernization Order* at 12, para. 39. See also *Lifeline Modernization Order* para. 39, n.92 (“In the *Open Internet Order*, the Commission concluded that BIAS is a telecommunications service subject to our regulatory authority under Title II of the Act regardless of the technological platform over which the service is offered.”).

<sup>266</sup> See *NPRM* at 65 (“Section 254 requires support to go to telecommunications services and facilities supporting those services. It is clear that if broadband is a telecommunications service, it can be a Lifeline-supported service.”). Additionally, Commissioner Clyburn notes that the current proposal also seeks to “unduly limit the ability to participate in Lifeline to only facilities-based providers. This appears to be yet another way to undermine the program. It seems unthinkable to limit the program in that way, particularly when providers are actively seeking to relinquish their lifeline ETC designations.” See *id.*

<sup>267</sup> See generally Clyburn Dissent in *NPRM* at 83 (stating that she is “concerned that the proposal to support broadband in the Lifeline program without Title II is a proposal to gut the program couched in language that is masked as a desire to keep the program.”).

Melissa Baranic is a fifth-grade teacher who served for fourteen years in a high poverty school district in Inglewood, California and now teaches in a different school district in Torrance, California.<sup>268</sup> She assigns her students online homework despite knowing most of her students do not have Internet access at home.<sup>269</sup> At the Skid Row Forum, she explained that she does not want “to hold them back because I, like many of you in here, know that they are the important ones. They’re going to be your doctors . . . my students need to do great things.”<sup>270</sup>

Melissa said that many students do not have broadband at home, which has placed them at an educational disadvantage. She explained how she has made the “heartbreaking” decision to assign homework that she knows many of her students cannot complete without home Internet because state educational standards demand it, and she does not want to restrain the small number of students who are connected at home. “The digital divide is only increasing with new Common Core State Standards which are not just state standards but national standards, and state testing that my students are required to do . . . It’s a test that’s only online, and just tonight I said, ‘Get online and do your practice test.’ [Mimes a student raising their hand] ‘I don’t have a computer, remember?’ And I say, ‘well, you gotta figure it out.’”<sup>271</sup> Online testing has greatly increased barriers for poor students, especially those of color, to succeed.<sup>272</sup>

Most of Melissa’s students in Inglewood did not have a computer at home and, if they did, it was broken or did not have a broadband connection.<sup>273</sup> She compared the Internet, for

---

<sup>268</sup> See Melissa Baranic, Skid Row Forum, at 51:11 (May 10, 2017), <https://youtu.be/PiR7kXOoqh0?t=51m11s>.

<sup>269</sup> *Id.* at 51:24.

<sup>270</sup> *Id.* at 51:33.

<sup>271</sup> *Id.* at 52:22.

<sup>272</sup> *Id.* at 53:43.

<sup>273</sup> *Id.* at 54:01.

those of us who have access, to a body part, something that is part of us.<sup>274</sup> For those of us fortunate enough to have a fast and reliable Internet connection, it is difficult to understand what it is like to never have had one. Yet, that is the reality that many students are living through right now and may not even realize how they have been disadvantaged.<sup>275</sup> Melissa emphasized, “How can we expect students to grow up in a world, be citizens of our communities and do great things, when there is literally no connectivity, no access for them to complete their work?”<sup>276</sup>

In Torrance, many more of Melissa’s students have Internet access at home, though still not all.<sup>277</sup> It is a Title I school where most of the students are on free breakfast and lunch programs.<sup>278</sup> In her experience, if a student is on the school lunch program, he or she is unlikely to have Internet access at home.<sup>279</sup> As Melissa put it, parents must ask themselves whether they “choose between food for [their] children or Internet access?”<sup>280</sup> If parents cannot afford basic necessities like food and clothing, they cannot even consider buying a broadband connection.<sup>281</sup>

In this new school, Melissa recently assigned her students a project on the U.S. Presidents. The student who chose President Barack Obama discovered that his presidency is so recent that there are few books on him available at the student’s local library.<sup>282</sup> The student does

---

<sup>274</sup> *Id.* at 54:30.

<sup>275</sup> *Id.* at 54:35.

<sup>276</sup> *Id.* at 57:44.

<sup>277</sup> *Id.* at 54:38.

<sup>278</sup> *Id.* at 54:45.

<sup>279</sup> *Id.* at 54:53.

<sup>280</sup> *Id.* at 52:22.

<sup>281</sup> *Id.* at 55:02.

<sup>282</sup> *Id.* at 56:47.

not have a computer at home, so all he had was the school library, which has no books on President Obama, and the public library, which has one small book.<sup>283</sup>

When asked to compare the differences between teaching in Inglewood and Torrance, Melissa spoke of how her current school has a generous donor who has made it possible for every student to have a Chromebook at school and that this act of generosity has “transformed” her teaching.<sup>284</sup> Meanwhile, in Inglewood, the school has a total of forty laptops to be shared among an entire K-6 school.<sup>285</sup> Students could only use them for two hours every other week.<sup>286</sup> It is impossible to reach parity in education standard when one school severely lacks digital resources and connectivity.<sup>287</sup>

*College Student Britney Galindo’s Spotty Internet Access Is a Barrier to Academic Success*

Britney Galindo is a Los Angeles area college student. She struggles in school when she does not have access to Wi-Fi at home, which she does not have at the moment. Recently, a teacher assigned online quizzes for the class every single week and, luckily, Britney’s sister paid for access during that time so Britney could keep up with the rest of her class.<sup>288</sup> However, Internet access is expensive for low-income families.<sup>289</sup> When Britney’s sister became a college student herself, they were unable to afford it and lost Internet access at home.<sup>290</sup>

---

<sup>283</sup> *Id.* at 57:13.

<sup>284</sup> *Id.* at 58:55.

<sup>285</sup> *Id.* at 59:18.

<sup>286</sup> *Id.*

<sup>287</sup> *Id.* at 59:38.

<sup>288</sup> See Britney Galindo, Skid Row Forum, at 50:05 (May 10, 2017), <https://youtu.be/PiR7kXOoqh0?t=50m05s>.

<sup>289</sup> *Id.* at 50:14.

<sup>290</sup> *Id.*

Britney discussed how critical it is for her to have this access. “I just rely on my school’s library, I end up going earlier [to school], I get the printer there as well. I wish I had Wi-Fi at home because sometimes I don’t want to go to the library, sometimes I want to be in my own space where I’m comfortable . . . I don’t have that advantage.”<sup>291</sup> It is important for students to be able to do their work at home. Often, they are unable to get to or stay at the library at all times and low-income people of color deserve their own personal digital spaces as well. For now, the library has become her second home because she does not have Internet access at home, and has even resorted to taking naps in the library.<sup>292</sup>

**(2) The FCC Should Not Relinquish Its Authority to Protect Consumer Privacy Under Section 222**

In addition to limiting Lifeline broadband options for the poor, the Commission’s proposed repeal of Title II classification of broadband Internet access service (“BIAS”) providers threatens to permanently deprive the Commission of its ability to protect against consumer privacy violations. Today, the FCC has unambiguous authority to protect consumer privacy. And if nothing else, the widespread, bipartisan public backlash to Congress’ ill-advised repeal of the FCC’s 2016 Broadband Privacy Rules through the Congressional Review Act (“CRA”) process reveals that the public is deeply concerned about this issue. Yet in the current proceeding, the Commission makes no bones about shirking its responsibilities to consumers by instead proposing “to respect the jurisdictional lines drawn by Congress whereby the FTC oversees Internet service providers’ privacy practices.”<sup>293</sup>

---

<sup>291</sup> *Id.* at 50:23.

<sup>292</sup> *Id.* at 56:02.

<sup>293</sup> *NPRM* at 20, para. 67.

In the 2015 *Open Internet Order* the Commission committed to applying Section 222 of the Communications act to broadband Internet service.<sup>294</sup> Indeed, the Commission emphasized this commitment in the *Order*:

The Commission has long supported protecting the privacy of users of advanced services, and retaining this provision thus is consistent with the general policy approach. The Commission has emphasized that “[c]onsumers’ privacy needs are no less important when consumers communicate over and use broadband Internet access than when they rely on [telephone] services.” As broadband Internet access service users access and distribute information online, the information is sent through their broadband provider. Broadband providers serve as a necessary conduit for information passing between an Internet user and Internet sites or other Internet users, and are in a position to obtain vast amounts of personal and proprietary information about their customers. Absent appropriate privacy protections, use or disclosure of that information could be at odds with those customers’ interests.<sup>295</sup>

Accordingly, on October 27, 2016, the Commission adopted privacy rules to protect consumers over broadband services.<sup>296</sup> These rules protected information defined as customer proprietary information, which included, “(i) individually identifiable Customer Proprietary Network Information (CPNI) as defined in Section 222(h); (ii) personally identifiable information (PII); and (iii) content of communications.”<sup>297</sup> The privacy rules also created an opt-in or opt-out standard for the use of sharing certain types of consumer’s confidential information,<sup>298</sup> required

---

<sup>294</sup> See 2015 *Open Internet Order* at 144, para. 462 (declining to “forbear from applying Section 222 of the Act in the case of broadband Internet access service.”).

<sup>295</sup> 2015 *Open Internet Order* at 5821, para. 463.

<sup>296</sup> See *Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, WC Docket. No. 16-106, Report and Order, 31 FCC Rcd 13911 (FCC 2016) (*Privacy Report and Order*).

<sup>297</sup> *Id.* at 3, para. 6.

<sup>298</sup> See *id.* at 4, para. 9.

standard privacy notices from ISPs to consumers,<sup>299</sup> among other reforms to ensure that ISPs were protecting consumer privacy and had established protocol in the event of a data breach.<sup>300</sup>

Although the Commission explained that “swift implementation of the new privacy rules [would] benefit consumers,”<sup>301</sup> earlier this year Congress and the President jettisoned the rules through the controversial and rarely used CRA process. The CRA not only prevents rules from taking effect, it also precludes an agency from creating rules in “substantially the same form.”<sup>302</sup> However, the CRA is largely untested and, prior to this current administration, had only been used once before.<sup>303</sup> Because it is untested, the Commission should not reflexively remove itself from protecting consumers’ privacy.

A recent poll revealed “nearly nine in ten Americans believe that they have a right to secure their personal information, even from the government.”<sup>304</sup> But, more specifically, the poll found that eight in ten Americans (83 percent, 68 strongly) oppose “allowing your Internet service providers to sell information about your activities online, like what websites you have visited, without first asking your permissions.”<sup>305</sup> The concern about privacy has bipartisan support: 85 percent of Republicans, 82 percent of Democrats, and 78 percent of Independents

---

<sup>299</sup> See *id.* at 4, para. 8.

<sup>300</sup> See generally *id.* at 5, paras. 10-11.

<sup>301</sup> *Id.* at 95, para. 311.

<sup>302</sup> 5 U.S.C. § 801(b)(2) (2012).

<sup>303</sup> See John J. Vecchione, *The Congressional Review Act and a deregulatory agenda for Trump’s second year*, The Hill (Mar. 31, 2017), <http://thehill.com/blogs/congress-blog/politics/326636-the-congressional-review-act-and-a-deregulatory-agenda-for>.

<sup>304</sup> Freedman Consulting, LLC, *New Poll: Americans Overwhelmingly Support Existing Net Neutrality Rules, Affordable Access, and Competition Among ISPs* at 3 (July 10, 2017), [http://tfreedmanconsulting.com.routing.wpmanagedhost.com/wp-content/uploads/2017/07/Tech-Policy-Poll-Summary\\_Final\\_20170710.pdf](http://tfreedmanconsulting.com.routing.wpmanagedhost.com/wp-content/uploads/2017/07/Tech-Policy-Poll-Summary_Final_20170710.pdf).

<sup>305</sup> *Id.*

agree that ISPs should not be allowed to sell private consumer information without a consumer's affirmative permission.<sup>306</sup>

**(3) The *Open Internet Order's* Approach to Health Information Improves Access to Health Services for People of Color**

Maintaining the current framework as established in the 2015 *Open Internet Order* is critical to ensuring that health care information is transmitted rapidly and efficiently and, therefore, providing a path to health equity for people of color and rural communities. Telehealth services offer innovative ways to provide remote medical diagnosis, care, and treatment.

In discussing the “trade-offs” of banning paid prioritization, the Commission questions whether “allowing paid prioritization enable[s] certain critical information, such as consumers’ health care vital signs that are being monitored remotely, to be transmitted more efficiently or reliably?”<sup>307</sup> This question is moot and the Commission's insinuation willfully ignorant or disingenuous. Currently, the Commission considers telemedicine as a non-BIAS, and the NPRM ignores the thoughtful approach established in the 2015 *Open Internet Order* for non-BIAS-based services, such as telemedicine and other innovative health services.

The reclassification of broadband Internet service as a telecommunications service provided a clear path for health care providers to deliver services in innovative ways to underserved and hard-to-reach communities.<sup>308</sup> First, the 2015 *Open Internet Order* reiterates a “longstanding waiver rule” allowing the Commission to waive any rule “in whole or in part, for

---

<sup>306</sup> *Id.*

<sup>307</sup> NPRM at 24, para. 86.

<sup>308</sup> See generally Christy M. Gamble and Carmen Scurato, *Rolling Back Net Neutrality Would Hurt Minorities and Low-Income Families*, (May 16, 2017), <http://thehill.com/blogs/pundits-blog/healthcare/333581-rolling-back-net-neutrality-would-hurt-minorities-and-low>.

good cause shown.”<sup>309</sup> The 2015 *Open Internet Order* set forth factors to consider “to make clear the very limited circumstances in which the Commission would be willing to allow paid prioritization.”<sup>310</sup> After listing such factors, the 2015 *Open Internet Order* states that the Commission “anticipate[s] such relief only in exceptional cases”<sup>311</sup> and cites arguments made by commenters that “paid prioritization could improve the provision of telemedicine services.”<sup>312</sup> Second, the 2015 *Open Internet Order* suggested that telemedicine could also be considered a “non-BIAS data service.”<sup>313</sup> Further, it states that “connectivity bundled with e-readers, heart monitors, or energy consumption sensors would also be considered other data services to the extent these services are provided by broadband providers over last-mile capacity shared with broadband Internet access service.”<sup>314</sup> The Commission reasoned in the 2015 *Open Internet Order* that:

These services may generally share the following characteristics identified by the Open Internet Advisory Committee. First, these services are not used to reach large parts of the Internet. Second, these services are not a generic platform—but rather a specific “application level” service. And third, these services use some form of network management to isolate the capacity used by these services from that used by broadband Internet access services.

Rather than increasing health equity, it is clear that “[f]or low-income Americans and people of color, who have been historically underserved by the healthcare system, ending Net

---

<sup>309</sup> 2015 *Open Internet Order* at 39, para. 130 (internal quotations omitted).

<sup>310</sup> *Id.*

<sup>311</sup> *Id.* at 39, para. 132.

<sup>312</sup> *Id.* at 39 para. 132, n.315.

<sup>313</sup> *See generally id.* at 63, para. 208.

<sup>314</sup> 2015 *Open Internet Order* at 63, para. 208 (citing 2010 *Open Internet Order*, 25 FCC Rcd at 17933, para. 47 n.149).

Neutrality could dramatically reduce access to life-saving health services.”<sup>315</sup> The NPRM would actually weaken access to telemedicine and “significantly impact management of health conditions that disproportionately affect communities of color.”<sup>316</sup> Additionally, the proposal would “compromise access to quality and affordable care for vulnerable communities because it would shut them out of a healthcare system moving towards innovation.”<sup>317</sup>

### **III. THE FCC MUST PRESERVE AND EQUALLY APPLY THE CURRENT NET NEUTRALITY RULES TO MOBILE NETWORKS OR RISK DISPROPORTIONATE HARM TO COMMUNITIES OF COLOR**

The NPRM’s proposal to reinstate mobile broadband as a private mobile service<sup>318</sup> would result in separate and unequal Internet experiences for people of color and poor people, who rely disproportionately on mobile services as their only Internet access points. Further, repealing mobile parity would further exacerbate the digital divide. In the 2015 *Open Internet Order* the Commission adopted mobile parity with fixed broadband service. This was the correct approach, and the Commission should leave it alone.

---

<sup>315</sup> Christy M. Gamble and Carmen Scurato, *Rolling Back Net Neutrality Would Hurt Minorities and Low-Income Families* (May 16, 2017), <http://thehill.com/blogs/pundits-blog/healthcare/333581-rolling-back-net-neutrality-would-hurt-minorities-and-low>.

<sup>316</sup> “For example, African Americans with diabetes are two to four times more likely to suffer from complications from disease, and people of color are two to four times more likely to die from it.” *Id.* Additionally, “for some suffering from complications from diabetes, mobility can be difficult – many have undergone limb amputations. Telemedicine would allow for the effective remote monitoring of blood glucose levels, the proper management of diabetes, and education that reduces the need for outpatient visits and overall costs.” *Id.*

<sup>317</sup> Christy M. Gamble and Carmen Scurato, *Rolling Back Net Neutrality Would Hurt Minorities and Low-income Families* (May 16, 2017), <http://thehill.com/blogs/pundits-blog/healthcare/333581-rolling-back-net-neutrality-would-hurt-minorities-and-low>.

<sup>318</sup> *Id.* at 17-19, paras. 55-62.

Mobile parity mitigates second class digital citizenship. Yet the NPRM seeks comment on whether there are negative policy consequences associated with treating mobile broadband differently from fixed broadband.<sup>319</sup> The answer, in short, is yes, and that negative consequences will be felt most acutely in communities of color.

It is widely known and accepted that the digital divide disproportionately impacts low-income people and people of color. Currently, 81 percent of non-Hispanic Whites are connected to home broadband, compared to only 70 percent of Hispanics and 68 percent of Blacks.<sup>320</sup> The “racial and ethnic adoption gap persists [even] among the poorest households”<sup>321</sup> suggesting that “structural racial discrimination or other structural factors beyond simple income differences” are to blame for the disparity in home broadband adoption.<sup>322</sup>

Mobile Internet connectivity, while not a perfect solution, has provided some Internet access to those who otherwise would be offline, and people of color and poor people rely on it disproportionately. Among low and moderate income families, 23 percent have mobile-only Internet access.<sup>323</sup> Indeed, 33 percent of families living in poverty have mobile-only access.<sup>324</sup> A

---

<sup>319</sup> *Id.*

<sup>320</sup> See S. Derek Turner, Free Press, *Digital Denied: The Impact of Systemic Racial Discrimination on Home-Internet Adoption* at 27 (Dec. 2016), [https://www.freepress.net/sites/default/files/resources/digital\\_denied\\_free\\_press\\_report\\_december\\_2016.pdf](https://www.freepress.net/sites/default/files/resources/digital_denied_free_press_report_december_2016.pdf), (Digital Denied). We use the term “Hispanic” here because that term was used to collect the underlying data.

<sup>321</sup> See *id.* at 4.

<sup>322</sup> See *id.* at 63. *Digital Denied* found that, “58 percent of [ ] low-income Whites have home Internet access, versus just 51 percent of Hispanics and 50 percent of Black people in the same income bracket.” *Id.* at 4, 53.

<sup>323</sup> Victoria Rideout and Vikki K. Katz, *Opportunity for All? Technology and Learning in Lower-Income Families*, Joan Ganz Cooney Center, at 14 (Winter 2016) (Table 6 on p. 14), [http://www.joanganzcooneycenter.org/wp-content/uploads/2016/01/jgcc\\_opportunityforall.pdf](http://www.joanganzcooneycenter.org/wp-content/uploads/2016/01/jgcc_opportunityforall.pdf).

<sup>324</sup> See *id.* Figure 1: Rates of digital ownership and connectivity among families below the median income on p. 8.

2015 Pew Research study found that 13 percent of US adults were smartphone-only Internet users who depended on their phones for Internet access and did not have access to broadband Internet at home.<sup>325</sup> This group was more likely to be lower-income, less educated, and Hispanic or Black.<sup>326</sup> A 2016 Pew Research Study found these numbers are higher for Hispanics and Black people, 23 percent and 19 percent of those populations are limited to mobile Internet access.<sup>327</sup>

## CONCLUSION

If the Commission wants to protect the freedom of people of color on the Internet, the best course of action in this proceeding is simple: do nothing. The 2015 *Open Internet Order* created critical bright-line Net Neutrality rules based on sound legal authority. The people want it - and as people of color we, in particular, understand how it is a game-changer in our historic struggle for equity. The Commission should spend its efforts enforcing the rules and addressing the more than 47,000 consumer Net Neutrality complaints, instead of allowing Internet service providers to pad their bottom lines by taking the power to control Internet experiences out of the hands of the people.

---

<sup>325</sup> John B. Horrigan and Maeve Duggan, *Home Broadband Adoption: Modest Decline from 2013 to 2015*, (Dec. 21, 2015), <http://www.pewinternet.org/2015/12/21/1-home-broadband-adoption-modest-decline-from-2013-to-2015/>.

<sup>326</sup> Monica Anderson and John B. Horrigan, *Smartphones Help Those Without Broadband Get Online, But Don't Necessarily Bridge the Digital Divide*, (Oct. 3, 2016), <http://www.pewresearch.org/fact-tank/2016/10/03/smartphones-help-those-without-broadband-get-online-but-dont-necessarily-bridge-the-digital-divide/>.

<sup>327</sup> Anna Brown, Gustavo López, and Mark Hugo Lopez, *Digital Divide Narrows for Latinos as More Spanish Speakers and Immigrants Go Online at 15* (July 20, 2016) (Latinos are referred to as Hispanics and Latinos), [http://assets.pewresearch.org/wp-content/uploads/sites/7/2016/07/PH\\_2016.07.21\\_Broadbank\\_Final.pdf](http://assets.pewresearch.org/wp-content/uploads/sites/7/2016/07/PH_2016.07.21_Broadbank_Final.pdf).

Respectfully Submitted,

/s/

Carmen Scurato, Esq.  
Francella Ochillo, Esq.  
Maria Gloria "Gloria" Tristani, Esq.  
National Hispanic Media Coalition  
65 South Grand Avenue  
Suite 200  
Pasadena, CA 91105  
(626) 792-6462

Marianna Elvira  
Law Student  
Florida State University College of Law

Jessica J. González  
Joseph A. Torres  
Free Press  
1025 Connecticut Avenue, N.W., Suite  
1110  
Washington, D.C. 20036  
(202) 265-1490

Leo Fitzpatrick  
Law Student  
American University, Washington College of  
Law

July 19, 2017

Counsel to Voices for Internet Freedom  
Coalition

# **Appendix A**

Members and Partners of  
Voices For Internet Freedom Coalition

1. 18MillionRising.org
2. Access Humboldt
3. Allied Media Projects
4. Appalshop
5. Arts & Democracy
6. BYP100
7. Center for Media Justice
8. Center for Social Inclusion
9. Chinese Progressive Association
10. Color of Change
11. Common Cause
12. Common Frequency
13. #Cut50
14. DigiColor
15. Dignity and Power Now
16. Dream Corps
17. Equality Labs
18. Families for Freedom
19. Families Rally for Emancipation and Empowerment
20. Forward Together
21. Generation Justice
22. Global Action Project
23. Hollaback!
24. Human Pictures
25. Ignite NC
26. Instituto de Educacion Popular del Sur de California (IDEPSCA)
27. KRSM Radio
28. LatinoRebels.com
29. Line Break Media
30. Livier Productions, Inc.
31. #LoveArmy
32. May First / People Link
33. Media Action Center
34. Media Alliance
35. Media Mobilizing Project
36. MPower Change
37. MomsRising.org
38. Movement Strategy Center
39. Native Public Media
40. New Sanctuary Coalition
41. Open Access Connections
42. OVEC - Ohio Valley Environmental Coalition
43. Parks and Power

44. People's Action
45. Presente.org
46. Prometheus Radio Project
47. Race Forward
48. Rebuild the Dream
49. Somos Un Pueblo Unido
50. Stop LAPD Spying Coalition
51. United Church of Christ, OC Inc.
52. Urbana-Champaign Independent Media Center
53. Voices for Racial Justice
54. Washington Peace Center
55. The Whitman Institute
56. WFNU Frogtown Community Radio
57. WITNESS
58. Working Narratives
59. #YesWeCode

# **Appendix B**

The attached stories were collected  
by Color Of Change.



Color Of Change is the nation's largest online racial justice organization. Our mission is to help people respond effectively to injustice in the world around us. As a national online force driven by over one million members, we move decision-makers in corporations and government to create a more human and less hostile world for Black people in America.

Over the past few months, Color Of Change reached out to its members and asked a simple question, "Why is net neutrality important to you?" The following responses represent a small sample of the outpouring of stories we received from our members nationwide in support of the 2015 *Open Internet Order* and Title II classification.

## PUBLIC COMMENTS ON THE IMPORTANCE OF NET NEUTRALITY

Net neutrality is important to me because it affords me the opportunity to weigh in on issues. It affords me the opportunity to express my thoughts on particular issues within groups that may be located outside of my state, where I otherwise wouldn't have access to be proactive.

— *Cynthia Ransom*

We should always be able to speak our opinions in a courteous way and not believe just what you hear or something someone wants you to believe. I trust me not who's in office or their cronies.

— *Jacqueline Askew*

Net neutrality is important to me because I communicate with colleagues and clients almost entirely via email. I order most of my supplies via the internet.

— *Richard Guier*

I am an internationally recognized black avant-garde artist with my own highly developed website. I need to get word out about my own work, but most importantly, to do what I do I have to keep up with intellectual conversations in my areas of concern from around the world. This is cultural, not commercial work, but it is just as essential. I need net neutrality not just for myself and for other American, especially minority artists, but for all those artists around the world whose work includes social and cultural advocacy (a group that includes most artists everywhere). We cannot do our essential work in a world where information has become totally corporatized. It's the job of artists to think ahead of the curve, and the tools to do that daily become more complex and difficult to evaluate. We need access to our best and worst thoughts, and to each other, to think "ahead." The means and methods of our thinking simply does not fit into the governmental and corporate frameworks that threaten net neutrality. We MUST fight to keep the internet free for art, for play, for humanity.

— *Lorraine O'Grady*

I don't want to see activism destroyed. I sign many petitions.

— *Carolyn Cooper*

Everyone should have the right to enter whatever they feel is important.

— *Tom Ronan*

Permits people around the globe to unite for common causes

— *Thomas Reeves*

It is an important source of news, activism and also a way to run a home business.

— *Valjeanne Jeffers-Thompson*

## PUBLIC COMMENTS ON THE IMPORTANCE OF NET NEUTRALITY

The internet is no longer a luxury. I use it for work, homeschooling, cooking, information and fixing things.

— *Sheryl Evans*

It's important to me that access to the internet be affordable, I am able to navigate to all areas of the net without incurring additional fees and that I have more than one i.s.p. to choose from.

— *Eric Wynn*

Because I am retired and have a physical disability, I spend a lot of my time at home. And a lot of that time, I am online with emailing, looking up all kinds of info on the web, and accessing a variety of news sources. With so much of my time spent online, I need the fastest service possible ~ otherwise, I am wasting my time. As a single user, I will not get the fastest service if corporations can "shove me to the curb" and speed past me in the interest of making more money.

— *Susan Hale Whitmore*

Everyone should have access to the internet, regardless of their ability to pay.

— *Molly Hauck*

To keep access to websites and content affordable. If I have to pay based on the amount of streaming I do, how many or which sites I access, then I'm less likely to stream as much or use those sites. I should have the freedom to go to any site I want and use all the content I want. Increasing the cost reduces my freedom of access.

—*Mirene Charles*

It gives everyone equal access no matter how rich or poor you are.

— *Esther Garvett*

Because I am a firm believer that the Internet is a utility that must offer the same service to all users.

— *John Hunter*

I believe an open internet is a basic human right for all of us.

— *Michele Missigman*

I want to have access to everything I want to get info on...no matter the subject.

— *Paul Saint*

## PUBLIC COMMENTS ON THE IMPORTANCE OF NET NEUTRALITY

Freedom and accessibility of information that you agree with or disagree with.

— *Lyn Pugh*

To protect those with few funds in inner city and rural areas.

— *Mary Wheat*

Net neutrality is important because the internet is the one place where people are truly equal, in the ability to share their thoughts and opinions.

— *Vanessa-Renee*

AS A BUSINESS OWNER AND A CONSUMER NET NEUTRALITY IS FREEDOM.

— *BETTY A DUFFY*

Freedom to find, share and gather information.

— *Keith Williams*

Because it is the vehicle that levels the playing field so that disenfranchised people can at least get in the game and have a chance of winning at whatever they choose to

— *Marilyn Johnson*

Gives everyone a chance to collaborate and engage diversity communities and promote understanding.

— *Heather Rose-Marie Roberts*

It is important to me, because; it helps me to express myself. It levels the playing field. I can do my own thing in privacy. I can also stay informed.

— *Jawara D. Pittman*

The internet is an enormous resource and must be equally available to all.

— *Peggy Gasey*

I'm depressed and 71, it provides information and entertainment (at lousy download speeds) for me

— *John Blanchard*

Communication. I am 85 & deaf

— *Philip Drumm*

## PUBLIC COMMENTS ON THE IMPORTANCE OF NET NEUTRALITY

Net neutrality is important to me so that I can keep abreast to happenings in the news. I do not wish to keep my head in the sand and ignore what is occurring around me.

— *Rhonda M. Harris*

Since I've been dealing with cancer, it allows me to deal with medical records, appointments, converse with medical personnel. Also this is not the play toy for the rich, access should be available to all.

— *Robert MacLuskie*

It leaves the internet unaffected by commercial and political influences

— *Stanley Becker*

The internet was meant to be free and open access to information around the world, not as a repository for personal information that companies can sell!!!

— *Ralph Rexroad*

I am an adult basic education teacher in a state correctional center for adult men. I use the internet to provide articles to supplement my classroom materials. The state would likely suspend this service if the provider were to ask for a fee per article or per computer.

— *Beverly Thompson*

The internet is the platform by which the world communicates and shares ideas and information, and a level playing field is integral to ensuring that the best ideas get the most traction and are spread widely. If we abandon net neutrality, big businesses and powerful interests will stifle creativity in the interest of protecting the status quo, and we will all suffer. A free and open internet is vital to the future of our economy.

— *Ned Savage*

Who I am or how much I earn should have no effect on my access to the Net.

— *Keith Everton*

The internet is a vital source of information and connection, and it should not be for sale to the highest bidder.

— *Heather Fastiggi*

## PUBLIC COMMENTS ON THE IMPORTANCE OF NET NEUTRALITY

I live in a small, rural community. For work purposes, net neutrality enables me to gain access to numerous sites, some of which are obscure. For general information and news, NN is absolutely central, since where I live provides NO coverage regarding black people and people of color.

— *Leslie Patrick*

It provides for a democratic internet where a variety of voices can be heard.

— *Maureen North*

I rely on the internet for most of my life's activities. It provides me news (newspapers, journals and online information) as well as technical information, entertainment, activism, etc.

— *Ted Wilcox*

Net neutrality is important to keep a level playing field for ALL voices whether I agree with them or not.

— *Beth Garvin*

The corporations already have too much power. Absence of net neutrality could mean that they could shut down the activist sites by slowing them way down.

— *Margaret Goodman*

I want all people to have equal access to information. There should not be a hierarchy of access.

— *Nancy Sableski*

It allows an avenue for small businesses to establish growth through low costs means. It also provides a platform for ideas to reach millions of people.

— *Charles L. Hinsley*

The internet gives access to those who otherwise may be limited to certain information.

— *Garmen Grande*

I want the internet to be able to provide me information that is free and unfettered. I don't want it to turn into shitty cable tv, where a few people get to decide which "channels" go fast, and which are slow / inaccessible.

— *Sharif Corinaldi*

## PUBLIC COMMENTS ON THE IMPORTANCE OF NET NEUTRALITY

It is the great thing about the Internet: that it isn't about greed or power. It is an independent and invaluable

— *Peter Bogdanvich*

Net neutrality is important to me because we can see what's going on in the world uncensored

— *Tonya I. Crawford*

I run a small business, a film business – and the website is crucial for me. I also use other services such as Vimeo that depend on net neutrality. Losing net neutrality will be a disaster for democracy, for civic engagement, and for small business.

— *Kent Moorhead*

It is important because I use it for so much. Everything from shopping to looking for employment to fighting for human rights.

— *Melvetta Jenkins*

Because a free internet keeps us educated. We can roam the vast internet and literally learn anything anytime and can keep in touch with events all over the world. What worries me most about a lockdown on internet is becoming like one of those countries where all internet is controlled by the government, thus making it a propaganda machine. This cuts out access to multiple ways of thinking and seeing the world. And it's also bad for business. If we want to be a nation that thrives, then we all need fair access to the vastness that is the internet.

— *Mary Myers*

The internet has become such a quick and useful tool to learn and get information, to not have it would be like stepping back into the past. The past for some of us was not that good.

— *Vickie Warren*

Net neutrality is important to me because I need to be able to obtain different perspectives on issues in order to perform a thorough analysis. I do not need my ISP or the government dictating the narrative or the flow of information on the world wide web.

— *Richard Kregg*

It eliminates the possibility of abuse of censorship, provides equal access to all, including those we disagree with.

— *Stephen Vandivere*

## PUBLIC COMMENTS ON THE IMPORTANCE OF NET NEUTRALITY

It is important to me because everyone should have access to information regardless of income. Information to people should not be blocked in anyway.

— *Ann Sarti*

It means complete access to the world.

— *Richard P. Fehr*

It connects family and friends, paybills, etc

— *Jackie alford*

There are already so many spaces that are inequitable in design. While Internet access can still be improved, it has been such a crucial resource for so many people. We cannot step back in access; we must step forward.

— *Guen Han*

The Internet has become critical to life functions-paying bills, applying for jobs, and staying connected to the community. If it becomes a profit based resource, only those who can afford it will have the opportunity to improve their lives. I believe the Internet should remain with equal access for an educated population. We need access to better understand information.

— *Jacqueline Evans*

Net neutrality is important to me because I value education and free exchange of ideas

— *Jeffrey Courter*

Internet is the way to stay current with world events

— *Lisa Murphy*

It is the only level playing field left for the average American. We have seen what corporations do with power. We cannot let them have this advantage.

— *Ruth Gramolini*

Net neutrality gives people in my community the opportunity to determine their own destiny as entrepreneurs, organizers, creatives, and other fields that depend on access to people and information. These paths were once closed to low-income folks and POC, but now things have been democratized. Killing Net Neutrality would take away that democracy.

— *Collette Watson*

## PUBLIC COMMENTS ON THE IMPORTANCE OF NET NEUTRALITY

Protecting net neutrality is crucial to ensuring that the internet remains a central driver of economic growth and opportunity, job creation, education, free expression, and civic organizing for everyone. It is not acceptable to have anyone control, censor, or stifle any of those actions from continuing.

— *Tanya Williamson*

Freedom of information. Pay to play unavoidably results in censorship by the rich.

— *Eli Byrne*

It allows me to be a political activist and be on my cell and my ipads!

— *Laura Ann K Bernstein*

So I can read the news and be an activist

— *Morgan Davis*

With net neutrality we have access to the information we need, removing net neutrality is a frightening way to control the public by those who will certainly have their biases, the outcome would be devastating.

— *Eva Orłowski*

The internet is a vital source of information, business transactions, communication and so on. In this world we live in, it's vital that more and more people have access to it, and economically too.

— *David Mendiola*

Should not give one company advantage over another. I volunteer for small non-profit.

— *Kathryn Flynn*

No one should be silenced. No one should have to pay more for a "Fast Lane!" All access should be equal regardless of what they are or where they go.

— *Huley Brown*

Internet providers receive sufficient payment for their service. It feels inherently wrong to have a system that favors those who can pay more. Internet access should be available to all at the same speed for the same cost.

— *Arden Epstein*

## PUBLIC COMMENTS ON THE IMPORTANCE OF NET NEUTRALITY

Net neutrality is important to me because I run a website featuring reviews, previews and interviews on movies, TV and important issues.

— *Brian de Castro*

It allows me to have complete access to news and information that is pertinent to me and my family.

— *J.C. Ford*

My tiny, one-person business DEPENDS upon an open Internet with a level playing field for ALL of us.

— *Patricia Guthrie*

Ensuring media from commercial and independent sources connect at the same rate, and that activism activity doesn't simply suffer from persistent "connection timed out" or "server not found" issues when the ISP doesn't like what we're looking at or working for.

— *Denise Conner*

So all citizens are treated equally on the internet.

— *Linda McKnight*

The internet is how people are able to connect. From young to old, rich to poor. Everyone should have equal access to the internet. College is already expensive enough.

— *Rashad Smith*

There are certain segments of the population who are already at a disadvantage. I think allowing certain companies to have a monopoly and to be able to slow down access is criminal.

— *Edward Primus*

I am retired on a small Caribbean island with no local news sources. Internet is my window to the world.

— *George Works*

Net neutrality is important to me because fast access should be available to everyone, without paying extra.

— *Marion Cohen*

## PUBLIC COMMENTS ON THE IMPORTANCE OF NET NEUTRALITY

Net neutrality is important for several reasons...providers may not block access to legal content, applications, or services that they may not approve of; providers may not 'throttle' which I have experienced. I had "unlimited data" but AT&T used throttling to slow down my phone/computer or not allow me to connect to the internet; and it doesn't allow 'fast lanes' for people that can't afford to pay the higher fees

— *Martha Kasanow*

Three reasons: 1) i have a small business and can't pay for fast access. 2) many educational sites need net neutrality so that everyone can learn 3) no company (or govt) should be able to pick and choose what gets seen on the net. neutrality is vitally important for a democracy so that people get real information in real time, and so they can organize if they need to

— *Polly Matzinger*

Although it was a government experiment by DARPA, it serves as a medium of exchange in today's society. Consequently, it should remain an open and free medium without the imposition of corporate manipulation that provides marginal access to some sites and robust access to others.

— *Leon Walters*

I want to be able to access information from many different sites, some of them small & obscure

— *Jill Nicholas*

It informs me of situations and circumstances that I don't hear about on the local news

— *Teresa Bradley*

Cost efficiency for online activism

— *Barbara Macek*

I don't want to have slower internet because I don't pay a premium or because my politics don't fit those of internet provider.

—*Bert Skellie*

Net neutrality is essential to protect free speech and allow differing views to be expressed.

— *Carolyn Carter*

## PUBLIC COMMENTS ON THE IMPORTANCE OF NET NEUTRALITY

I'm a librarian, and most of my work involves making digital resources accessible. I do it because I believe in the power of information to support people's ability to improve their lives, in all sorts of ways. Net neutrality means that the people who most need access to online resources can continue to have that access.

— *Elliot Williams*

It is as important and intrinsically essential as Freedom of speech and the absolute necessity of a free press to the healthy development of the genuine constitutional democracy that our nation is founded upon. To deny such honest openness and debate is to lay the foundations for dictatorship and totalitarianism.

— *Rebecca Stowger*

First, it is my connection with other climate justice activists and groups. Secondly, I am a working artist and depend on full access to my website by potential clients for commissions, repairs and other first contacts with prospects and colleagues.

— *Dwain Wilder*

Full and equal access to information is crucial to the democratic ideals of our society.

— *Kahlil Goodwyn*

There is a direct relationship between net neutrality and human and civil rights. Net neutrality is an important barometer of the extent to which we value our own citizens.

— *Tua Nefer*

Net neutrality provides a more equal environment for free speech and dissent, and also for commercial Internet-based ventures.

— *Hugh Smyser*

Access to technology for all is a human right that must be respected and enhanced.

— *Linda Bain*

Net neutrality means I can keep up with what's going on in the world. It has allowed me to start a business, build a site, build clientele and keep up with family.

— *Trish Rice*

Fairness. The internet should be open and have equal access for everyone, not fast lanes for corporations.

— *Wendy Harris-Gardner*

## PUBLIC COMMENTS ON THE IMPORTANCE OF NET NEUTRALITY

Without a free and open internet, we do not have a free and open society. Kill it, and you kill humanity's best chance to level the playing field of information and resources.

— *Adrian Nelson*

Mass networking for people of color

— *Tensey Clark*

Free and open access to information for all people.

— *Alice Komgold*

Net neutrality is important to me because I can go anywhere and do anything I want to in cyberspace with equal ease!

— *Amy Halib*

The Internet must remain free (no metering) and unitary (no "fast lanes" for the rich & powerful)

— *Allen Hengst*

It allows more people the opportunity to start businesses, be heard and help others via funds/charities.

— *Toya Fraley*

# **Appendix C**

Free Press Lifeline Modernization Order  
Sample Public Comments

Also submitted in WC Docket Nos.  
09-197 and 11-42 on May 23, 2017

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
Telecommunications Carriers Eligible for Universal Service Support	)	WC Docket No. 09-197
	)	

**REPLY COMMENTS OF  
VOICES FOR INTERNET FREEDOM MEMBERS**

Voices for Internet Freedom Members (“Voices”)<sup>328</sup> respectfully submit these reply comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Public Notice<sup>329</sup> in the above-captioned dockets. In its initial comments, Voices requested that the FCC take two integral steps to bridge the digital divide: (1) reverse the Wireline Competition Bureau’s order (“*Revocation Order*”);<sup>330</sup> and (2) commit to immediately implementing the

---

<sup>328</sup> Voices for Internet Freedom is a national organizing project led by the Center for Media Justice, Free Press, Color of Change, and National Hispanic Media Coalition. Those four organizations jointly submit these comments.

<sup>329</sup> See *Wireline Competition Bureau Seeks Comment on Request for Reconsideration Concerning Lifeline Broadband Providers*, WC Docket Nos. 09-197, 11-42, DA 17-213 (rel. Mar. 2, 2017). That Notice was issued pursuant to a letter from 37 organizations, requesting reversal of the *Revocation Order* that rescinded the designations of nine LBPs. See Letter from Jessica J. González, Free Press, *et al.*, to Chairman Pai, Commissioner Clyburn, Commissioner O’Rielly, FCC, WC Docket No. 11-42 (filed Feb. 23, 2017).

<sup>330</sup> See *Telecommunications Carriers Eligible for Universal Service Support, Lifeline and LinkUp Reform and Modernization*, WC Docket Nos. 09-197, 11-42, Order on Reconsideration, DA 17-128 (rel. Feb. 3, 2017) (“*Revocation Order*”).

*Lifeline Modernization Order*<sup>331</sup> while refraining from future efforts to undermine the Lifeline program.<sup>332</sup>

Notably, every single commenter in this round endorses the broad conclusion that Lifeline should support broadband. Dozens of entities in the docket and more than 13,000 individuals also agree with Voices that the *Revocation Order* erodes Lifeline's promise to bring affordable broadband to low-income consumers. Two of the mere three *Revocation Order* supporters in the docket base their positions on a misread of states' jurisdiction over interstate broadband services.<sup>333</sup> The other<sup>334</sup> raises an important issue of Tribal sovereignty that can – and should – be dealt with immediately, but through a less drastic remedy than the Commission adopted in its *Revocation Order*. The record indicates widespread support, from both public interest groups and providers, for the FCC to implement the Lifeline Broadband Provider (“LBP”) designation process established in the *Lifeline Modernization Order*.<sup>335</sup> Therefore, Voices again requests that the Commission reinstate the designations of the nine LBPs and commit to implementing the *Lifeline Modernization Order*.

**I. THE VAST MAJORITY OF COMMENTERS AGREE THAT THE COMMISSION SHOULD REVERSE THE *REVOCATION ORDER* AND REINSTATE THE DESIGNATIONS OF THE NINE LBPs**

---

<sup>331</sup> *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 *et al.*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962 (2016) (“*Lifeline Modernization Order*”).

<sup>332</sup> See Voices for Internet Freedom Members, Comments, WC Docket Nos. 11-42 and 09-197, at 1 (Mar. 16, 2017) (“Voices Comments”).

<sup>333</sup> See National Association of Regulatory Utility Commissioners, Comments, WC Docket Nos. 09-197 and 11-42 (Mar. 16, 2017) (“NARUC Comments”); Public Utility Division of the Oklahoma Corporation Commission, Comments, WC Docket Nos. 09-197 and 11-42 (Mar. 16, 2017) (“PUD Comments”); *see also infra* note 12.

<sup>334</sup> See National Tribal Telecommunications Association, Comments, WC Docket Nos. 09-197 and 11-42 (Mar. 16, 2017) (“NTTA Comments”).

<sup>335</sup> See *infra* notes 15, 18.

Comments filed in this proceeding demonstrate that the overwhelming majority of public interest groups, civil rights organizations, cities, and providers agree that the *Revocation Order* harmed existing and potential Lifeline subscribers,<sup>336</sup> created unnecessary uncertainty in the LBP marketplace,<sup>337</sup> and relied on outdated and unsupported “waste, fraud, and abuse” claims.<sup>338</sup> The Greenlining Institute explains that the *Revocation Order* runs contrary to the Commission’s efforts to bridge the digital divide, and makes it far less likely that people in marginalized communities and school-aged children will have access to affordable broadband.<sup>339</sup> Many commenters explain how the *Revocation Order* has created a high level of uncertainty in the LBP designation process and has chilled participation from providers interested in entering the LBP marketplace in the future.<sup>340</sup> To remedy this, commenters agree that the Commission must

---

<sup>336</sup> See Consortium for School Networking, *et al.*, Comments, WC Docket Nos. 09-197 and 11-42, at 4 (Mar. 16, 2017) (“CoSN Comments”) (The *Revocation Order* created “unnecessary uncertainty for consumers themselves”); see also EveryoneOn, Comments, WC Docket Nos. 09-197 and 11-42, at 3 (Mar. 16, 2017) (“EveryoneOn Comments”) (The *Revocation Order* “roll[ed] back progress in making affordable internet available across the nation,” negatively impacting potential Lifeline subscribers in all 50 states, Washington, D.C, Puerto Rico, and the U.S. Virgin Islands).

<sup>337</sup> See *infra* note 13.

<sup>338</sup> See *infra* note 16.

<sup>339</sup> See The Greenlining Institute, Comments, WC Docket Nos. 09-197 and 11-42, at 6 (Mar. 16, 2017) (“Greenlining Comments”) (“[A]llowing these nine carriers to provide affordable broadband serves the public interest because families will not have to forego other essentials in order to be able to apply for a job online or do homework at home.”).

<sup>340</sup> See, e.g., City of Portland, Comments, WC Docket No. 09-197 and 11-42, at 1 (Mar. 16, 2017) (The *Revocation Order* “has a chilling effect on other potential Lifeline broadband entrants”); CoSN Comments at 4 (The *Revocation Order* “dampens the interests of other companies who seek to enter the Lifeline broadband market, chilling future competition”); EveryoneOn Comments at 4 (The *Revocation Order* “negatively affects the pioneer providers ironing out the petitions process”); Greenlining Comments at 3 (“[I]t seems likely that the Commission’s Order will chill carrier participation in the Lifeline program, especially for smaller carriers”); Leadership Conference on Civil and Human Rights, Comments, WC Docket Nos. 09-197 and 11-42, at 1 (Mar. 16, 2017) (“Leadership Conference Comments”) (The

reinstate the nine LBPs, provide “regulatory certainty,”<sup>341</sup> and commit to following the process reforms outlined in the *Lifeline Modernization Order* moving forward.<sup>342</sup> Additionally, there is near consensus that recent claims of “waste, fraud, and abuse” raised in the *Revocation Order* are unfounded, and do not support the decision to revoke the designations of the nine LBPs.<sup>343</sup> To

---

*Revocation Order* “has a chilling effect on other potential Lifeline broadband entrants”); Northland Cable Television, Inc., Comments, WC Docket Nos. 09-197 and 11-42, at 11 (Mar. 16, 2017) (“Northland Comments”) (“The Bureau’s hurried decision to revoke its previously issued LBP ETC designations without any reasoned rational basis, however, has left Northland and several other providers without a clear path forward.”).

<sup>341</sup> Lifeline Connects Coalition, Comments, WC Docket Nos. 09-197 and 11-42, at 5 (Mar. 16, 2017) (“Lifeline Connects Comments”).

<sup>342</sup> See City of Chicago, Comments, WC Docket Nos. 09-197 and 11-42, at 2 (Mar. 16, 2017) (“We encourage the Commission to implement policies consistent with 2016 Modernization Order and resist advice to scale back Lifeline in general.”); City of Portland, Comments, WC Docket No. 09-197 and 11-42, at 1 (Mar. 16, 2017) (“Portland Comments”) (“The new LBP designation process is critical for increasing competition and facilitating competition and innovation in the Lifeline broadband program, and we urge the Federal Communications Commission to resume the designation process immediately”); Leadership Conference Comments at 2 (“We urge the Commission to act quickly on this matter as uncertainty regarding the process for broadband providers to participate in the Lifeline program delays access to affordable broadband to low-income households.”).

<sup>343</sup> See Portland Comments at 2 (“Delaying Lifeline funding forces far too many deserving families go without the assistance that could be available now. Their punishment should not be the result of others who committed waste, fraud, and abuse. Instead, we encourage the FCC to continue addressing the misuse of Lifeline funds while actively assisting poor families in accessing broadband internet.”); CoSN Comments at 4 (“Corporate fraud and abuse concerns continue to be addressed by the Enforcement Bureau and by the comprehensive steps taken in the Modernization Order, such as a national eligibility verifier. Moreover, there is no indication in the Order that concerns of fraud and abuse relate to any of the pending LBPs.”); EveryoneOn Comments at 4 (“[T]he actions taken by the FCC in rescinding the approvals of the aforementioned LBPs have no link to making the program more secure, and reports of Lifeline waste, fraud, and abuse have been proven to be overstated.”); Greenlining Comments at 5-6 (“Given the strength of current protections against waste, fraud, and abuse, the Commission should allow these carriers to provide Lifeline broadband access while concurrently assessing the effectiveness of these new reforms through increased auditing and enforcement – not by suspending the LBP designation process for an indefinite amount of time.”); Public Knowledge and Benton Foundation, Comments, WC Docket Nos. 09-197 and 11-42, at 7 (Mar. 16, 2017) (“The WCB’s decision to revoke the LBP designations is inconsistent with the Commission’s practices, and its reliance on the potential of waste, fraud, and abuse in the Lifeline program is

this end, several comments filed by revoked and potential LBPs also push back on claims made in the *Revocation Order* that Lifeline is a program plagued with waste, fraud, and abuse.<sup>344</sup> Simply put, stalling all LBP designations to prevent unproven waste, fraud, and abuse is misplaced energy based on a false narrative. Finally, there is also broad agreement in the docket for the Commission to swiftly implement the process reforms in the *Lifeline Modernization Order*.<sup>345</sup>

---

unsupported by the record.”); Writers Guild of America, East, AFL-CIO, Comments, WC Docket Nos. 09-197 and 11-42, at 2 (Mar. 16, 2017) (“There is no evidence of widespread abuse in the Lifeline program, the Bureau must uphold its obligation to ensure that low-income Americans can access critical information or reach emergency contacts.”).

<sup>344</sup> See, e.g., Applied Research Designs, Inc., Comments, WC Docket Nos. 09-197 and 11-42, at 7 (Mar. 16, 2017) (arguing that it is unfair for the Commission to rescind AR Design’s designation “based on sheer conjecture regarding imagined future violations of Lifeline program rules, citing past abuses by different service providers”); STS Media, Inc. d/b/a FreedomPop, Comments, WC Docket Nos. 09-197 and 11-42, at 4 (Mar. 16, 2017) (“[R]espectfully urges the Commission not to scrutinize the entire Lifeline program based on the transgressions of a few, but rather to make informed decisions about how best to oversee and administer the program based on a more complete picture.”); Lifeline Connects Comments at 6 (“With its low improper payment rate and the recent reductions in Lifeline program outlays, there is room for additional competition without risking material increases in waste, fraud and abuse.”); LocalTel Communications, Comments, WC Docket Nos. 09-197 and 11-42, at 3 (Mar. 16, 2017) (“The Bureau’s overarching explanation for the revocations was to prevent waste, fraud, and abuse...based on generalized concerns with the Lifeline program overall rather than with the applicants themselves.”); Northland Comments at 4 (“The Bureau’s broad allegations of widespread waste, fraud and abuse in the Lifeline program appears to be based on prior issues that have since been resolved or a misunderstanding of program procedures.”).

<sup>345</sup> See, e.g., City of Philadelphia, Comments, WC Docket No. 11-42 (Mar. 16, 2017) (Passing a Resolution calling on the FCC “to reinstate the Lifeline Broadband Provider designations granted to nine companies which created a one-stop application process that significantly reduced the time, burden and expense of receiving a license and make available broadband internet service to millions of people in poverty.”); CoSN Comments at 4-5 (The current streamlined federal LBP process “will best serve the public interest by helping to ensure all students have access to the broadband capacity required to support learning inside and outside the classroom.”); Consumer Action, Comments, WC Docket Nos. 09-197 and 11-42, at 1 (Mar. 16, 2017) (“We respectfully urge the Commission to reject any further efforts to undermine the Lifeline program and to fully implement the March 2016 Lifeline Modernization order.”); Media Alliance, Comments, WC Docket Nos. 09-197 and 11-42, at 2 (Mar. 16, 2017) (“We write today in full support of the

Indeed, widespread support for the *Lifeline Modernization Order* extends beyond the Beltway. To date, Free Press has received over 13,000 comments and personal stories that illustrate the urgent need for Lifeline broadband.<sup>346</sup> As one individual shared, “[o]ur young-adult daughter, who is struggling to get through school and keep up with health challenges, greatly needs access to broadband. Please stop blocking this important resource for low-income folks.”<sup>347</sup> Another individual urged the Chairman not to “discriminate against the less fortunate...[because] everyone benefits from free or affordable access to the Internet,” and continued to explain that “[as] a disabled individual myself, I do not know what I would do without my access, and I live on a very low income now.... Please don't interfere with my access to everything I now need to pay bills and contact others.”<sup>348</sup>

## II. SUPPORT FOR THE *REVOCATION ORDER* IS LIMITED, AND RESTS PRIMARILY ON A MISREAD OF STATE JURISDICTION OVER INTERSTATE BROADBAND

Only three commenters support the *Revocation Order*: Two of them are the National Association of Regulatory Utility Commissioners (“NARUC”) and the Public Utility Division of the Oklahoma Corporation Commission (“PUD”). Their chief argument relates to their objection to the FCC’s preemption of a narrow portion of states’ involvement in the Eligible Telecommunications Carrier (“ETC”) designation process.<sup>349</sup> They assert that this preemption has defied a Congressional mandate under Section 214(e)(2) of the Act, which directs the states

---

Lifeline modernization reforms adopted in March of 2016 and ask you to set aside the Order for Reconsideration and fully implement the Commission's previous order, which was well-considered and wise.”).

<sup>346</sup> See Collette Watson, *Dear Ajit Pai: The People Have Spoken*, FREE PRESS BLOG (Mar. 22, 2017), <https://www.freepress.net/blog/2017/03/22/dear-ajit-pai-people-have-spoken>.

<sup>347</sup> See attached App. A at 1 (Connie, Portland, OR).

<sup>348</sup> See attached App. A at 3 (Deborah, San Diego, CA).

<sup>349</sup> NARUC Comments at 3-4.

to designate ETCs.<sup>350</sup> Voices recognizes that states play a critical role in protecting consumers and ensuring that ETCs serve local needs. Yet the Commission’s narrow decision – to preempt states from designating carriers that offer only broadband internet access service – is supported by statute, properly respects the separation of powers, and serves a compelling public policy interest.

In the *Lifeline Modernization Order*, the Commission rightly decided that states should maintain their traditional, congressionally mandated role in ETC designation decisions for common carriers under their jurisdiction. That order then established an additional LBP designation process for broadband-only providers.<sup>351</sup> The Commission deliberated, and properly preserved an appropriate role for states.<sup>352</sup> It concluded that broadband internet access service is inherently an interstate service for regulatory purposes,<sup>353</sup> and thus a broadband-only Lifeline provider likely would not be subject to state jurisdiction. Therefore, it is left to the FCC to designate any such broadband-only providers as eligible for support, pursuant to Section 214(e)(6) of the Act. That subsection stipulates FCC designation decisions on ETC status for carriers “not subject to the jurisdiction of a State commission.”<sup>354</sup> Indeed, the *Lifeline Modernization Order* addressed and systematically dismissed NARUC’s line of argument to the contrary.<sup>355</sup>

---

<sup>350</sup> See *id.* at 3; PUD Comments at 3.

<sup>351</sup> See, e.g., *Lifeline Modernization Order* at 3965, 4039-40 & 4053-54.

<sup>352</sup> See *id.* at 4067-68.

<sup>353</sup> See, e.g., *Protecting and Promoting the Open Internet*, Report and Order on Remand, Declaratory Ruling, and Order, GN Docket No. 14-28, 30 FCC Rcd 5601, para. 431 (2015).

<sup>354</sup> *Lifeline Modernization Order* at 4044-46.

<sup>355</sup> *Id.* at 4048-49, paras. 238-241.

The *Lifeline Modernization Order* also convincingly describes the important public policy reasons behind its decision to preempt states from the Lifeline Broadband Provider portion of the ETC certification process.

We take certain steps to streamline the LBP designation process to encourage broader provider participation in the Lifeline program with the expectation that increased participation will create competition in the Lifeline market that will ultimately redound to the benefit of Lifeline-eligible consumers.<sup>356</sup>

Support for this decision from providers was widespread in the docket leading to adoption of the *Lifeline Modernization Order*.

The Commission received a variety of responses on the topic of streamlining the ETC designation process. Many commenters supported streamlining the ETC designation process, indicating that the current ETC designation process is unnecessarily burdensome and hinders competition in the Lifeline market. The American Cable Association, for example, argued that “[t]he ETC designation process is so burdensome that it presents a substantial barrier to participation.” Axiom Technologies argued that it “would be pleased to offer low-cost Lifeline services to our citizens” but “[a]cquiring [an ETC] designation creates a huge barrier for small carriers like us.” Even from a larger provider’s standpoint, Comcast agrees that “requiring providers to undertake the regulatory burdens of full-blown ETC designation proceedings may be ‘an impediment to broader [provider] participation in the Lifeline program.’” The Competitive Carriers Association Reply noted that the Commission could balance the goals of facilitating market entry and curbing waste, fraud, and abuse by “eliminating overlapping state and federal requirements, minimizing additional certification reporting requirements, and streamlining deenrollment procedures—while retaining existing substantive standards for ETC designation.”<sup>357</sup>

NARUC also asserts that the letter<sup>358</sup> from 37 public interest and civil rights organizations urging the FCC to reconsider the *Revocation Order* fails to discuss or rebut “the

---

<sup>356</sup> *Id.* at 4044, para. 221.

<sup>357</sup> *Id.* at 4046-47, para. 235 (internal citations omitted).

<sup>358</sup> See Letter from Jessica J. González, Free Press, *et al.*, *supra* note 2.

rationale provided by the Bureau as the basis for its action.”<sup>359</sup> This is inaccurate. Voices disputed at length in its initial comments<sup>360</sup> the overblown and unsupported nature of the Bureau’s primary justification for the *Revocation Order*: claimed waste, fraud and abuse.<sup>361</sup> Indeed, the Bureau failed to point to any waste, fraud, and abuse by these nine providers in the Lifeline program, and it admits as much in the *Revocation Order* when it characterizes these threats as hypothetical, or, in its own words, “potential.”<sup>362</sup> NARUC wrongly reiterates these harmful claims despite the FCC’s numerous, diligent, fruitful and necessarily ongoing efforts to eliminate these vices.<sup>363</sup>

Finally, Voices agrees with National Tribal Telecommunications Association that companies seeking LBP designations should comply with the *Lifeline Modernization Order*’s requirement to notify any affected Tribal governments when they plan to offer service on Tribal lands.<sup>364</sup> Certainly, however, the FCC can – and should – swiftly and thoroughly address any LBP that has fallen short on this requirement through a process less drastic than revoking LBP designations outright, which has left Lifeline subscribers in limbo and undermined Lifeline’s promise to deliver broadband to poor people across the country.

## CONCLUSION

For the above stated reasons, Voices respectfully request that the Commission reverse the Wireline Competition Bureau’s *Revocation Order*, and that the Commission commit to

---

<sup>359</sup> NARUC Comments at 7.

<sup>360</sup> See Voices for Internet Freedom Members, Comments, WC Docket Nos. 09-197 and 11-42, at 5-7 (Mar. 16, 2017).

<sup>361</sup> See *Revocation Order* at 3-4.

<sup>362</sup> *Id.* at 3.

<sup>363</sup> See, e.g., *Lifeline Modernization Order* at 3970, 3975, 4023 & 4028-29.

<sup>364</sup> See NTTA Comments at 2.

unequivocally implementing the *Lifeline Modernization Order* swiftly while avoiding any future efforts to undermine it.

Respectfully Submitted,

/s/

Carmen Scurato, Esq.  
National Hispanic Media Coalition  
55 South Grand Avenue  
Pasadena, CA 91105  
(626) 792-6462

Jessica J. González, Esq.  
Dana Floberg  
Collette Watson  
Free Press  
1025 Connecticut Ave., NW, Suite 1110  
Washington, D.C. 20036  
(202) 265-1490

March 23, 2017

# **Appendix D**

The attachment includes the cover letter and spreadsheet provided by CGB on June 21, 2017 pursuant to NHMC's FOIA Requests.



Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Washington, D.C. 20554

**CGB**

June 20, 2017

Carmen Scurato  
National Hispanic Media Coalition  
[cscurato@nhmc.org](mailto:cscurato@nhmc.org)

FOIA Nos. 2017-565, 2017-577, 2017-638 & 2017-639

Dear Ms. Scurato:

This letter responds to your recent Freedom of Information Act ("FOIA") requests received by the Federal Communications Commission (FCC or Commission) and assigned to the Consumer & Governmental Affairs ("CGB"), Enforcement ("EB") and Wireline Competition Bureaus ("WCB"). Among other things, you are requesting documents, information and communications regarding the "FCC's enforcement of the 2015 Open Internet Order, GN Docket No. 14-28, FCC-15-24 (Rel. Mar. 12, 2015) that went into effect on June 12, 2015." We are responding to your requests electronically. Pursuant to section 0.461(g)(1)(i) of the Commission's rules, the date for responding to your requests has been extended from May 31, 2017, to June 20, 2017, due to a need to search records from multiple offices of the Commission.

Please be advised that your four FOIA requests were aggregated for calculation of the FOIA fees. On May 22, 2017, via telephone, you spoke with Mike Hennigan of my staff regarding your requests and you were advised that our search located approximately 47,279 complaints related to "Open Internet." You advised Mr. Hennigan that you would be interested in receiving the first 100 samplings of the complaints we located, per complaint category and complaints sub-categories for complaints filed in "2015, 2016 as well as 2017."

Therefore, CGB conducted a search of the databases in which we maintain the records of informal complaints filed by, or on behalf of, consumers. Our search revealed approximately 1000 complaints that are responsive to your request, which are attached. We have attached data you are requesting related to the approximately 47,279 complaints related to "Open Internet." Also, as you requested, our search revealed 308 pages of carrier responses and approximately 1,500 emails related to your request. WCB has advised us that they have potentially responsive documents which they are continuing to process, and will respond to your request as expeditiously as possible. EB informed CGB that a search of their records identified no responsive records.

Also, on May 22, 2017, you agreed that due to the volume of documents located and the number of hours involved in processing your request, we would provide you with responsive documents on a rolling basis in order to complete your request in the most efficient and timely manner possible. Please be advised that the FCC receives many complaints and comments that do not involve violations of the Communications Act or any FCC rule or order. Thus, the existence of a complaint or comment filed against a particular carrier or business entity does not necessarily indicate any wrongdoing by any individuals or business entities named in the complaint or comment. The attached complaints represents information provided by the public that has not been verified by the FCC.

Record responsive to your request were withheld or redacted under FOIA Exemption 6.<sup>1</sup> Exemption 6 protects files containing personally identifiable information disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Balancing the public's right to disclosure against the individual's right to privacy, we have determined that release of this information would constitute a clearly unwarranted invasion of personal privacy. Therefore, all FCC employee's names, complainant's addresses, and the complainant's telephone numbers were redacted under Exemption 6

FOIA and FCC rules require the FCC to charge requesters for time spent searching for and reviewing responsive documents, and for copying them." Pursuant to section 0.466(a)(5)-(7) of the Commission's rules, you have been classified as category (2), "educational requesters, non-commercial scientific organizations, or representatives of the news media."<sup>2</sup> As an "educational requester, non-commercial scientific organization, or representative of the news media," the Commission assesses charges to recover the cost of reproducing the records requested, excluding the cost of reproducing the first 100 pages. The production in response to your request is electronic, and did not involve any duplication. Therefore, you will not be charged any fees.

You have requested a fee waiver pursuant to section 0.047(e) of the Commission's rules.<sup>3</sup> As you are not required to pay any fees in relation to your FOIA request, the Office of the General Counsel, which reviews such request, does not make a determination on your request for a fee waiver.

If you consider this to be a denial of your FOIA request, you may seek review by filing an application for review with the Office of General Counsel. An application for review must be *received* by the Commission within 90 calendar days of the date of this letter.<sup>4</sup> You may file an application for review by mailing the application to Federal Communications Commission, Office of General Counsel, 445 12<sup>th</sup> St SW, Washington, DC 20554, or you may file your application for review electronically by e-mailing it to [FOIA-Appeal@fcc.gov](mailto:FOIA-Appeal@fcc.gov). Please caption the envelope (or subject line, if via e-mail) and the application itself as "Review of Freedom of Information Action" and the application should refer to FOIA Nos. 2017-565, 2017-577, 2017-638 and 2017-639.

---

<sup>1</sup> 5 U.S.C. § 552(b)(6).

<sup>2</sup> 47 CFR § 0.466(a)(5)-(7).

<sup>3</sup> 47 CFR § 0.470(e).

<sup>4</sup> 47 CFR §§ 0.461(j), 1.115; 47 CFR § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).

If you would like to discuss this response before filing an application for review to attempt to resolve your dispute without going through the appeals process, you may contact the Commission's FOIA Public Liaison for assistance at:

FOIA Public Liaison  
FCC, Office of the Managing Director,  
Performance Evaluation and Records Management  
445 12<sup>th</sup> St SW,  
Washington, DC 20554  
[FOIA-Public-Liaison@fcc.gov](mailto:FOIA-Public-Liaison@fcc.gov)

If you are unable to resolve your FOIA dispute through the Commission's FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's Office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740-6001  
202-741-5770  
877-684-6448  
[ogis@nara.gov](mailto:ogis@nara.gov)  
[ogis.archives.gov](http://ogis.archives.gov)

Sincerely,



Nancy Stevenson  
Deputy Chief  
Consumer Policy Division  
Consumer & Governmental Affairs Bureau

Attachments

**FOIA 2017-565 (Internet Complaint regarding Open Internet)**

Form Type = Internet

Internet Issue = Open Internet/Net Neutrality

Date Range between June 12, 2015 - May 1, 2017

Open Internet Sub Issue	w/sub issue	Keyword Search - Prior to 10/22/16	Totals
Blocking	235	385	620
Data Caps	1,888	23,975	25,863
Inaccurate Disclosures/Transparency	148	184	332
Throttling	210	1,150	1,360
Other/No Sub Issue Specified	501	5,694	6,195
<b>Totals</b>	<b>2,982</b>	<b>31,388</b>	<b>34,370</b>

The total number of complaints received regarding Open Internet Complaints filed on the "Internet" form only is 34,533.

Please note that some of the totals for complaints prior to 10/22/2016 may be overlapping because searches were based on keywords only and the complaint descriptions may contain one or more of the keywords searched.

\*Other/No sub Issue Specified number for counts prior to 10/22/16 may be inaccurate because of overlapping.

# **Appendix E**

The attached stories were collected by the Center for Media Justice and members of the Media Action Grassroots Network.



The Center for Media Justice (CMJ) is a national organizing and training center working to democratize media, technology and culture through racial justice strategies and powerful grassroots leadership. Our signature program, the Media Action Grassroots Network (MAG-Net), is the largest social justice network for media and technology rights, access and representation in the United States.

We invited members of our network to submit stories on the importance of Net Neutrality and why it matters to them. Our members overwhelmingly support the FCC's 2015 Open Internet order and stand in opposition of any efforts to limit or rollback these protections.

The FCC's Open Internet Rules (net neutrality rules) are extremely important to me. I urge you to protect them. I don't want ISPs to have the power to block websites, slow them down, give some sites an advantage over others, or split the Internet into "fast lanes" for companies that pay and "slow lanes" for the rest. Courts have made clear that if the FCC ends Title II classification, the FCC must let ISPs offer "fast lanes" to websites for a fee. I don't support Chairman Pai's proposal to repeal Net Neutrality

-Charlie Furman

Libraries and patrons need an open internet with secure privacy. I have been a university librarian for 20 years and for 16 years an online reference librarian for the U.S.-based largest such worldwide service, serving public library patrons and college students worldwide, and I know that students and people of all ages and needs depend on and need open, free and unimpeded access to useful and necessary knowledge and information. Anything that impedes such access makes us and our country poorer and stunts all kinds of growth and development, economic and intellectual. Internet 'slow lanes' and restricted access to all content would make it impossible for ordinary people to access useful and necessary knowledge and information. Telecom monopolies impede such access and make us and our country and the world poorer.

-Jonathan Boyne

Net Neutrality is a key part of the Republican promise: helping job creators. New companies need to be able to compete on an equal footing with big business. With the internet as the most common arena for up-and-coming enterprises, Net Neutrality plays a crucial role in maintaining that equal footing. Don't handicap the next generation of entrepreneurs before they can even get started. Don't repeal Net Neutrality.

-Colin Fredericks

The FCC's Open Internet Rules (net neutrality rules) are extremely important to me. I urge you to protect them. I don't want ISPs to have the power to block websites, slow them down, give some sites an advantage over others, or split the Internet into "fast lanes" for companies that pay and "slow lanes" for the rest. Courts have made clear that if the FCC ends Title II classification, the FCC must let ISPs offer "fast lanes" to websites for a fee. I don't support Chairman Pai's proposal to repeal Net Neutrality.

-Samantha Meyer

The internet is a way of life for many of us, including myself. It's not only where I do occasional research and entertain myself, but it's also where I express myself as an individual, keep in touch with friends who live far away, get informed, and fight for change.

-Irene

I do NOT support Chairman Pai's unconscionable proposal to repeal Net Neutrality!! The Internet is a public utility that should NOT be subject to ISPs arbitrary fees. I urge you to protect the FCC's Open Internet Rules!

-Kaela Sanborn-Hum

The internet is a necessary "utility" in the 21st century which should be available to all U.S. residents in an equal and equitable manner

-Andrea Black

Internet access is key to daily life and all users should be given equal access and equal opportunity to be heard. Paid voices are not more valuable.

-Seema Chawla

The internet is a highway of information. For me, having accessible internet is something that helped me get into college. It helps me everyday in finding information that I need. As a disabled person it's something that's given me tools to empower myself. I do not support chairman pai's proposal to repeal net neutrality.

-Ashley

Like many elderly Americans, I rely on the internet to communicate with my healthcare team, schedule appointments and order prescriptions. Without this free and open access, medical care would be prohibitively expensive and time consuming, even with Medicare. The internet truly is an essential public utility and it is important to prevent excessive profiteering by ISPs. Please save Net-Neutrality for all of us

-Sandra Smith

Do not remove Title II Internet rules. These rules are necessary for keeping the Internet an open and uncensored form of communication. Open Internet rules reflect the premise of our creed as a Nation. It must remain an equal and open form of communication without being metered or censored in anyway.

-Richard Vreeland

I want Net Neutrality, just like the majority of Americans. Do not repeal Net Neutrality just because some large Communications Corporations want to exploit the internet to more money. A free internet serves our Democracy!

-Nadya Tichman

Some people thought this was already settled, but I knew it would never be settled until the pigs finally got their way. Now they've bought some new lackeys (who will be rewarded handsomely when the job is done) and here we go again. When they get what they want, this so-called democracy will be even closer to it's death. Anything that benefits the 1% will be on the fast lane. Anything they don't want the people to hear will be on the slow lane. And it will be so slow that nobody will want to wait, and soon they won't even bother trying. Mission accomplished and the corrupt trash who let it happen get their reward. Mussolini would be so proud. If I'd know how it was going to go in this country, I'd have gone to Canada or Sweden instead of boot camp when I had the chance in 1967. But at least I can die knowing I didn't bring any kids into this increasingly fascist country.

-Gil Fahrenwald

Keep Net Neutrality!!  
-Ted Baker

FCC's Open Internet Rules help protect children from advertising and ensure that we all have a fair playing field for information. With families depending on the internet for everything from homework to paying bills to health information, we need to treat the web like the utility it is. Our access should not be tied to our income. Please respect families' time and money and keep open internet protections in place.  
-Makani Themba

WE NEED NET NEUTRALITY. I urge you to protect the FCC's Open Internet Rules. I don't want ISPs to have the power to block websites or slow them down based on their prerogative. I don't support Chairman Pai's proposal to repeal Net Neutrality.  
-Allison Page

As a web developer who works with nonprofits and small businesses, I believe it is imperative that we protect net neutrality. It is because of an open, neutral web that those organizations with smaller budgets can still reach their audiences. Also, many of their constituents and customers are already on low bandwidth plans so the possibility of their connection to these organizations' websites being even slower would severely impact them.  
-Clayton Dewey

Net Neutrality is Freedom of Speech, and everyone ought to have access to ideas that expand their minds and emotions.  
-Kit

I use the internet daily to stay in touch with family, to research topics of interest, to hear a wide variety of points of view and to keep abreast of national and world events. I use it to evaluate charities and sometimes to make a purchase. I do not believe any company should be allowed to determine which sites I can access and/or how easily. The internet has become a common good, which is perhaps most useful to those with less ability to access other sources. I do not support any kind of repeal of net neutrality.  
-Karen Hyvonen

An open and fair Internet is the only way to continue to run the Internet. Failing to let new entrants into key markets (e.g. video on demand) will jeopardize the core values of the Internet. Long live Title II!  
-Greg

Do not kill the power of the internet by restricting net neutrality in any way.  
-Mark Dilley

The FCC's Open Internet Rules (net neutrality rules) are extremely important to me. I urge you to protect them. I don't want ISPs to have the power to block websites, slow them down, give some

sites an advantage over others, or split the Internet into "fast lanes" for companies that pay and "slow lanes" for the rest. I live in a rural area where high speed internet isn't even available. If it were to get any slower, I wouldn't use the internet at all, so no company would make any money off me.... Courts have made clear that if the FCC ends Title II classification, the FCC must let ISPs offer "fast lanes" to websites for a fee. I don't support Chairman Pai's proposal to repeal Net Neutrality.

-Martha Spencer

The FCC's Open Internet Rules (net neutrality rules) are extremely important to me. I urge you to protect them. I don't want ISPs to have the power to block websites, slow them down, give some sites an advantage over others, or split the Internet into "fast lanes" for companies that pay and "slow lanes" for the rest. Courts have made clear that if the FCC ends Title II classification, the FCC must let ISPs offer "fast lanes" to websites for a fee. I don't support Chairman Pai's proposal to repeal Net Neutrality.

-Sean Wayland

Open internet access is a right as an American citizen. The internet falls under the aegis of free speech and freedom to congregate. Both the government and businesses shouldn't be allowed to block certain sites and/or make internet access a matter of who pays to have the fastest speed. Greater connectivity and internet access are vital for America's economy.

-Celeste Hong

Net neutrality is essential for a modern democracy. Please oppose Chairman Pai's proposal.

-Lauren Hanks

I don't want to be made a second class citizen because I can't afford "fast lane" internet. Neither does anyone else.

-Ann Wasgatt

The internet has allowed voices of all races, genders, ethnicities, sexual orientation, disabilities and so on to be heard and it is important that we keep it this way. Please keep net neutrality.

-Stephanie

The poor among us wonder if there is not anything that big business and our leaders will not sell there soul for. This is the ONE thing that puts all people, rich and poor, on the same playing field. If you take that from us the poor will only become poorer. Will you please stand up for what is right and remember, HISTORY will Honor you as a Hero or Curse you as a Villain. Don't be among those who wish that they could take back their vote in the end.

-Mark Joyner

The FCC's Open Internet Rules (net neutrality rules) are extremely important to me. I urge you to protect them. I don't want ISPs to have the power to block websites, slow them down, give some sites an advantage over others, or split the Internet into "fast lanes" for companies that pay and "slow lanes" for the rest. Courts have made clear that if the FCC ends Title II classification, the

FCC must let ISPs offer "fast lanes" to websites for a fee. I don't support Chairman Pai's proposal to repeal Net Neutrality.

-Barbara Harper

The FCC's job is to serve ALL Americans. To do that, it is vital that you protect net neutrality (your Open Internet Rules). Any other rule favors the rich over the rest of us, which is racist, classist, and bad business. In short, ending net neutrality would be bad policy and un-American. Listen to The People, protect the Open Internet Rules, and be on the right side of history.

-Carrie Schudda

I am a formerly incarcerated person. Having access to the Internet is vital for those of us returning to society. We need full access to the Internet in order to reintegrate into society and build links to people on the outside. Without access to an affordable, high quality Internet, we are doomed to end up back in prison or living in absolute poverty. Please do not overturn Net Neutrality. That would be a horrendous error

-James Kilgore

The FCC's Open Internet Rules (net neutrality rules) are extremely important to me. I urge you to protect them. I don't want ISPs to have the power to block websites, slow them down, give some sites an advantage over others, or split the Internet into "fast lanes" for companies that pay and "slow lanes" for the rest. Courts have made clear that if the FCC ends Title II classification, the FCC must let ISPs offer "fast lanes" to websites for a fee. I don't support Chairman Pai's proposal to repeal Net Neutrality.

-Joel

I believe in an Open Internet.

-Ann

US ideals of democracy and freedom do not coincide with a corporate grab of internet power

-Charlie Byrne

Without Net Neutrality, I being a shut-in, will not be able to afford internet on which I depend on heavily. Without it I cannot pay bills, order prescriptions or buy anything else that I need. Please keep the internet open and affordable.

-Terrie

Net neutrality is essential to a free press and a free society. I am the co-founder of an online literary publisher, Winning Writers, that employs 10 people and has launched work by hundreds of writers. We perform a public service by raising up diverse voices. We are just one of thousands of small presses and literary hubs that could not afford to reach the same audience with a pay-to-play Internet. Please uphold the essence of the First Amendment and keep net neutrality!

-Jendi Reiter

The internet should be an open road, with no opportunity for giant corporations to create tolls wherever they please. It is crucial that TITLE II be left in place and net neutrality be protected, not repealed. In my rural area, I and my family/friends do not have the opportunity to "shop around" for Internet Service Providers. Like other utilities, we have only one option for ISPs. FCC needs to listen to the AMERICAN PEOPLE, not monopolistic corporations. You are failing us when you move to take away Title II. Be on the morally right side of history and do not take away net neutrality.

-Brooke Anderson

I use the internet for electronic billing for my private practice in nutrition counseling. The FCC Open Internet Rules are extremely important to me. I urge you to protect them. I don't support Chairman Pai's proposal to repeal Net Neutrality.

-Rita Rover

I do not support Chairman Pai's proposal to repeal Net Neutrality rules. Those rules ensure that new, innovative Internet services can compete with established ones. If the rules are revoked, sites such as my friend's small business page will have to pay so people can access it faster. That puts him at a disadvantage. Keep the net neutral, keep ISPs under Title II.

-Robert Gehl

The FCC's Open Internet Rules (net neutrality rules) are extremely important to me. I urge you to protect them. I don't want ISPs to have the power to block websites, slow them down, give some sites an advantage over others, or split the Internet into "fast lanes" for companies that pay and "slow lanes" for the rest. Courts have made clear that if the FCC ends Title II classification, the FCC must let ISPs offer "fast lanes" to websites for a fee. I don't support Chairman Pai's proposal to repeal Net Neutrality.

-Joshua Wallman

Freedom of public expression is the only thing that keeps our governmental agencies in tow. In these troubled times, please do not take that last freedom away from the "little guy". I cannot afford lobbyists or lawyers to represent me and the internet is the only way I can afford representation.

-Cynthia Wellins

Free speech for a free country, no corporate dictatorship.

-Val Sanfilippo

The open internet should stay the way it currently exists. The proposed repeal of net neutrality should be smashed and tossed into the dustbin

-Neil Parthun

Please leave Net Neutrality in place.

-KG Schmidt

I do not support Chairman Pai proposal to repeal Net Neutrality.  
-Marvin Sawyer

The FCC's Open Internet Rules are important to me, and I want you to protect them. I don't want ISPs to have the power to block websites, slow them down, give some sites an advantage over others, or split the Internet in "fast lanes" for companies that pay and "slow lanes" for the rest. I support keeping all voices on line equal and regulating the internet like a public utility. I do not support the proposal to repeal Net Neutrality.  
-Joanne Tenney

I need an Open Internet ("Net Neutrality") in order to access the full range of information that I seek -- news, technology, science, literature -- but allowing mega corporations like Verizon and Comcast to control the flow would severely restrict this freedom. We need Title II Net Neutrality -- the Internet is and must remain a public utility and regulated as such.  
-Kenneth Ruby

The FCC's Open Internet Rules (net neutrality rules) are extremely important to me. I don't support Chairman Pai's proposal to repeal Net Neutrality and I urge you to protect them. I don't want ISPs to have the power to block websites, slow them down, give some sites an advantage over others, or split the Internet into "fast lanes" for companies that pay and "slow lanes" for the rest.  
-Jeff Liu

Net Neutrality is essential for the free flow of information and ideas. Without Net Neutrality the internet will cease to be the incredible force of innovation that it is today.  
-Joel Johnson

The FCC's Open Internet/net neutrality rules are extremely important to me and to the organization I created 50 years ago and still artistically run, Kartemquin Films. Kartemquin is a non-profit documentary house which has put out a slate of films that spark democracy through documentary in many areas of social justice. I don't want ISPs to have the power to block websites, slow them down, give some sites an advantage over others, or split the Internet into "fast lanes" for companies that pay and "slow lanes" for the rest. Courts have made clear that if the FCC ends Title II classification, the FCC must let ISPs offer "fast lanes" to websites for a fee. I don't support Chairman Pai's proposal to repeal Net Neutrality. With net neutrality, our ability to be creative and innovative in getting our work to our audience will be stifled.  
-Gordon Quinn

Keeping the lanes of traffic free of selective speeds means greater innovation for the current and future Internet.  
-Mark Escajeda

The FCC's Open Internet Rules (protecting net neutrality) are very important to me, and to most normal working people. Please protect normal people in having fair access to the internet. I don't

want ISPs to have the power to block websites, slow them down or give some sites advantage over others. I and many others oppose Chairman Pai's proposal to repeal Net Neutrality. Thanks.  
-Anna Wong

Chairman Pai's proposal to repeal Net Neutrality should be rejected. The FCC's Open Internet Rules (Net Neutrality Rules) are extremely important for maintaining a truly open-to-all Internet. Access to the Internet shouldn't be artificially slowed down. Internet Service Providers (ISPs) shouldn't be granted the power to block websites, slow them down, give some sites an advantage over others, or split the Internet into "fast lanes" for companies that pay and "slow lanes" for the rest. Please support net neutrality and keep the Internet open for everyone. Thank you.  
-Mark Bartleman

The FCC's Open Internet Rules (net neutrality rules) are extremely important for the economy. An internet that allows ISPs to block websites, slow them down, give some sites an advantage over others, or split the Internet into "fast lanes" and "slow lanes" hurts businesses' bottom lines which makes it harder for them to do and stay in business. When you squeeze business you stagnate the economy because the majority of people will eventually have less money to buy the internet services they need in order to consume all other goods and services. If you repeal Net Neutrality, you will tank the US economy and there will likely be international social and economic effects. Do you want to be responsible for destroying the world's economy? Think twice before repealing Net Neutrality.  
-Amanda

Net Neutrality is the basic principle that all voices online are created equal. It specifically prevents Internet service providers from blocking or slowing down access to websites. I urge you to protect Net Neutrality. I don't want ISPs to have the power to block websites, slow them down, give some sites an advantage over others, or split the Internet into "fast lanes" for companies that pay and "slow lanes" for the rest. Courts have made clear that if the FCC ends Title II classification, the FCC must let ISPs offer "fast lanes" to websites for a fee. I don't support Chairman Pai's proposal to repeal Net Neutrality.  
-Caitlin Henderson

Net neutrality is so important for our communities and our country. Please defend it!  
-Karen Showalter

Having worked in gender based violence, I know how important it is for people in crisis to be able to access a wide range of resources with minimal obstruction. Chairman Pai's proposed repeal of Net Neutrality would make people facing violence even more vulnerable. Please protect Open Internet Rules.  
-Leah

I don't support Chairman Pai's proposal to repeal Net Neutrality. I use the internet on a daily basis for work and for my life. It's how I get my news, pay my bills, access information on products I like to buy, meet new people, etc. The net neutrality rules preserve that I will have

access to these things at prices I can somewhat afford because internet is now a necessity to my life. Repealing those regulations will be detrimental to myself and others. Please don't repeal.  
-Nicole Holbrook

I don't support Chairman Pai's proposal to repeal Net Neutrality. The FCC's Open Internet Rules (net neutrality rules) are EXTREMELY important to me and for social justice overall. I urge you to protect them. I don't want ISPs to have the power to block websites, slow them down, give some sites an advantage over others, or split the Internet into "fast lanes" for companies that pay and "slow lanes" for the rest.  
-Andrea Learned

The FCC's Open Internet Rules are extremely important to me. I urge you to protect them. I don't want ISPs to have the power to block websites, slow them down, give some an advantage over others, or split the Internet into fast and slow lanes. I don't support Chairman Pai's proposal to repeal Net Neutrality.  
-Kristina Fontes

I want net neutrality protection because equal access is important to me  
-Suneela Mubayi

We need an open internet free from censorship (including economic censorship.)  
-Alexandra Roach

Net neutrality is something I feel very strongly about. The ability for Comcast and Verizon and AT&T to slow sites down is ridiculous and honestly, downright greedy. Putting sites into faster/slower lanes that must be paid for is plain wrong. Please do not allow the Title II classification to be lost. I support internet access be equal to all and do NOT support Chairman Pai's proposal to repeal Net Neutrality.  
-Dexter Ellis Jr.

Keeping an open internet that is equal for all internet subscribers is important for me. I believe that everyone should have the same access. Tiered internet makes it so that those who cannot afford the "fast lane" do not have the same access as someone who can afford it. Also, it limited innovation in the net, allowing only those who can afford it to bring new technology to the internet, this allowing large companies to monopolize service. As it stands, small businesses have the ability to impact on a scale equal to a large conglomerate. Please protect Net Neutrality.  
-Dylan Freeman

I must have free and open access to the internet for work. Compromised or manipulated internet service would seriously compromise my job. I work at a major university on such things as research, which involves the perusing of many and varied internet sites. I need continued unfettered access to the internet. I strongly oppose the FCC's attempts to gut the Title II net neutrality rules currently in place!  
-Phyllis Comeaux