



November 16, 2014

RE: U.S. Mayors Support for Rules Guaranteeing Net Neutrality

Dear Senator/Representative:

The undersigned mayors are writing to support the strongest possible rules to guarantee Net Neutrality. As you know, the Federal Communications Commission (“FCC” or “Commission”) is currently engaged in a proceeding to determine the most effective strategies for ensuring that the Internet remains free and open. It is critical that the FCC act now to implement regulations that protect consumers and innovation. The Commission should implement clear, legally defensible rules that: support transparency so that consumers can evaluate service offerings; prohibit blocking of lawful content; bar discrimination and ban paid prioritization.

We believe that the most effective way to truly protect the open Internet is for the FCC to break with its previous approach and re-classify broadband Internet as a telecommunications service subject to regulation as a common carrier, by reclassifying Internet access as a Title II service. The Commission has, to date, classified broadband Internet service—whether offered via wireline facilities, wireless technologies or power lines—as an “information service.” By treating broadband as an information service, the Commission has unclear authority and must construct a new regulatory regime. The Commission could remedy this by relying on Title II where the Commission has clear authority and where it has at its disposal an existing array of tools to protect consumers and competition, including service quality, rates, discrimination, disclosure of information requirements. Once Internet service has been classified as a Title II, the FCC would have the ability to forbear from elements of the Title II regime that are unnecessary or archaic, if they do not serve to protect consumers or serve the public interest.

This approach would enable the FCC to require sufficient transparency for consumers to make informed choices and accurately assess the services they are being provided. Currently, the lack of clear, accurate information results in confusion with respect to key service features, like download and upload speeds, pricing and usage restrictions. This has contributed to widespread consumer dissatisfaction with broadband providers. These practices also place considerable burdens on local agencies, which must use their own resources to help consumers resolve challenges.

The risk that content and content-provider based blocking and other discriminatory practices pose to Net Neutrality has been a source of great public concern. Rules prohibiting the blocking of lawful content, services and applications are particularly important for the public schools and libraries that serve our residents. These institutions serve critically important educational functions for young people and adults. In addition, because they provide Internet access in the context of meaningful education, training, employment and other programs, they are essential vehicles for meeting adoption goals.

It is critically important that our residents—among them many students, parents, educators and others who are only able to connect to broadband at schools or libraries—are able to freely access lawful content without being confronted with delays that threaten adoption. In addition, it is vital that the content our residents, businesses and others create is freely accessible online. With this in mind, we urge the Commission, upon re-classifying broadband as a telecommunications service, to adopt the strongest possible rules against blocking, prioritization and other discriminatory practices.

We urge you to vigorously promote a free and open Internet by supporting the reclassification of broadband as a telecommunications service under Title II, promulgating effective transparency rules and adopting the strongest possible protections against blocking, prioritization and other discriminatory practices.

Sincerely,



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