



February 27, 2018

The Honorable Cynthia S. Creem
Chair, Senate Special Commission on Net Neutrality
State House
Boston, MA 02133

RE: Opposition to State Net Neutrality Legislation

Dear Senator Creem and members of the committee:

Although we are writing today to respectfully oppose legislation at the state level on net neutrality, we would like to take this opportunity to express our continued support for an open Internet where companies do not block, throttle, or otherwise interfere with the customers' ability to go where they wish on the Internet. We'd also like to clear up some serious misconceptions about this topic.

We do not believe state-based net neutrality laws will operate to promote or protect an open Internet. Rather, attempts to regulate the Internet at the state level opens the door to the creation of a patchwork of state regulations that will stymie innovation, as well as have the potential to undermine the backbone of the Internet economy in Massachusetts.

There has always been widespread industry agreement on and compliance with core open Internet principles: transparency in marketing practices and no blocking, throttling, or harmful discrimination against Internet content or applications. All major Internet Service Providers (ISPs) already comply with each of these provisions, as made publicly available in their stated business practices.

Violations of these principles are readily dealt with by the regulatory safeguards and enforcement mechanisms in place prior to the 2015 FCC Order. These same safeguards are still available after the recent FCC action. The FTC has full enforcement authority.

Despite the past two decades of innovation, partnership and investment across the Massachusetts Internet economy, these new proposals seek to mire future investment with heavy-handed oversight at the state level. Applying a regulatory framework designed to regulate a telephone monopoly will do nothing to encourage investment or new entrants into the broadband marketplace. Consequently, some competitive providers may lack the same resources as larger companies to cope with increased regulatory costs and would likely scale back broadband deployment as a result of this legislation.

Our commitment to preserve an open Internet has not changed, as it is vital to the success of the Massachusetts economy and ensuring consumers can access any content they want on whatever device they choose. However, this legislation does not further these principles and instead threatens the health of the Internet with new state-based regulations, duplicative standards, and regulatory delay.

For the reasons stated and others, we oppose attempts to regulate the Internet via state net neutrality laws.