



March 14, 2018

Honorable Thomas Carmody  
Louisiana House of Representatives  
Chairman, House Commerce Committee  
Box 94062  
Baton Rouge, LA 70804

**RE: Oppose House Bill 679-“Internet Privacy and Protection Act”**

Dear Chairman Carmody:

On behalf of CTIA, the trade association for the wireless communications industry, I write in opposition to House Bill 679. There is no gap in privacy protections that must be filled at the state level. The Federal Communications Commission (FCC) recently adopted the *Restoring Internet Freedom Order*, which means that the Federal Trade Commission (FTC) will reassert its well-established oversight and enforcement authority over internet service providers' (ISPs) consumer privacy practices. Over 20 years, the FTC has developed and enforced an effective privacy framework that applies to all players in the internet ecosystem. Restoring FTC jurisdiction subjects ISPs to the same, effective regulatory framework that applies to the rest of the internet ecosystem.

HB 679 deviates from the privacy framework and standards that have been in place for decades and imposes unjustified restrictions on ISPs alone that will interfere with ISPs' ability to provide service to Louisiana customers. By creating two sets of rules that are different for various entities within the internet ecosystem, HB 679 would harm competition and create consumer uncertainty about which rules apply to their data. Survey results submitted to the FCC in 2016 showed that 94 percent of internet users believe all companies touching their online data should follow the same privacy rules. These findings indicate that HB 679, which targets only ISPs, would in fact be a contravention to common sense and clear customer preferences. The bill's prohibition of the transfer of a broad set of personally identifiable information without express consent would also make it very difficult – and likely impossible – for ISPs to operate in Louisiana and could have a host of unintended consequences. For example, the bill as drafted would prevent ISPs from performing routine service functions and cooperating with state authorities if an affected customer has not provided express, opt-in consent.



CTIA member companies have long recognized the importance of protecting consumer data and respecting consumer privacy. In 2003, CTIA and the wireless carriers that are signatories to the "Consumer Code for Wireless Service," including AT&T, Sprint, T-Mobile, and Verizon Wireless, made a commitment to help consumers make informed choices. The tenth point of the Code provides that signatory carriers agree to abide by policies for the protection of customer privacy. As part of that commitment, carriers follow policies regarding the privacy of customer information in accordance with applicable federal and state laws and make available privacy policies concerning information collected online. Moreover, while under FCC jurisdiction, ISPs, including CTIA members, committed to principles that maintain privacy protections consistent with the FTC's effective privacy framework, covering transparency, consumer choice, security, and data breach notifications.

Additionally, in recognition that the internet is not defined by state lines, the recent FCC order includes preemption language to avoid a patchwork of state laws regulating internet service. The FCC has recognized that "broadband Internet access service should be governed by a uniform set of federal regulations, rather than by a patchwork of separate state and local requirements." Conflicting state rules could hamper the provision of broadband service, lead to increase compliance costs, and inhibit providing new and innovative products and services – all to the detriment of consumers. Finally, no state has passed a bill on ISP privacy, despite the introduction of such bills in over 20 states in 2017, because states increasingly recognize the unintended consequences and negative repercussions that could result from legislation of this kind.

In closing, it would be unnecessary to pass HB 679 as the FTC will reassert authority to police ISP privacy practices and enforce its effective privacy framework against ISPs, as it does with all internet companies. And passage of HB 679 would significantly impede ISPs' ability to provide service to Louisiana customers. Accordingly, we ask that you not move the bill. Thank you for your consideration.

Sincerely,

Gerard Keegan  
Assistant Vice President  
State Legislative Affairs