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Oregon House Bill 4155
Joanie Deutsch, Executive Director, Northwest, TechNet
Oregon House Committee on Rules

February 9, 2018

Chair Williamson and Members of the Committee:

On behalf of the member companies of TechNet, thank you for the opportunity to testify in opposition to one specific component in HB 4155. TechNet represents over 70 of the nation's leading companies in the fields of information technology, e-commerce, the sharing and gig economies, advanced energy, cybersecurity, venture capital, and finance.

I must point out developments at the federal level that have impact on this particular issue, and therefore should be taken into consideration when the committee is determining what actions to take on this particular piece of legislation.

In December, the Federal Communications Commission (FCC) reclassified broadband as an informational service. In doing so, this removed the common carrier classification from broadband, which now means that the Federal Trade Commission (FTC) has regained jurisdiction over online privacy protections of Internet Service Providers (ISPs). The FTC has historically held jurisdiction for all participants in the internet ecosystem. It lost jurisdiction in 2015 when the FCC decided to classify ISPs as common carriers.

Therefore, the action in December has ended this two year back and forth between the FTC and the FCC, with the FTC regaining jurisdiction.

The FTC's privacy framework advanced the principles of privacy-by-design, choice, and transparency, and has supported FTC enforcement actions that have held online companies responsible for their actions.

The FTC's guidelines offer a balanced approach that, when implemented fully, gives consumers the protection they need and offers businesses the opportunity to compete and innovate in the growing online marketplace. The FTC has a proven framework that protects consumers and allows innovative new services to proliferate.

With the FTC regaining its historic jurisdiction over ISPs, the component of this bill pertaining to online privacy protections of ISPs is no longer necessary.