



Net Neutrality FAQ – HB 4155

The internet has become so much a part of our lives that it now a fundamental part of living in our society, participating in our democracy, and exercising our constitutional rights. That is why **it is crucial that we promote rights and equality on the internet and ensure that it is a free and open space for the exchange of information.**

The internet should be a place where we can always access any lawful content we want, and where the folks delivering that content can't play favorites because they disagree with the message being delivered or want to charge more money for faster delivery.

Unfortunately, recent actions by the Federal Communications Commission (FCC) eliminated the federal regulations that preserved the free and open exchange of information on the internet. **Now Oregon has the chance to pass a state-level net neutrality law to turn back the tide.**

What is net neutrality?

Network neutrality (“net neutrality”) is the application of well-established “common carrier” rules to the internet in order to preserve its freedom and openness. Common carriers are entities that provide transportation services to the general public. Common carriers transport people and physical property (trains, buses and taxicabs) and information (telecommunications companies). **Because common carriers provide essential services to the public, we have enacted various anti-discrimination laws to ensure their services are equally available to everyone.**

Applying non-discrimination laws to the companies that provide us with internet access service (aka “internet service providers” or “ISPs”) is needed because **new technology enables discrimination by ISPs.** For example, ISPs can now easily scrutinize every piece of information we send or receive online—websites, email, videos, internet phone calls, or data generated by games or social networks. ISPs can then program the computers that route our information to interfere with the data flow by slowing down or blocking traffic and communicators that they don't like. This may include different political viewpoints or things they think are controversial, things that make them look bad, or applications that compete with their own. They can also speed up traffic they do like or that pays them extra for the privilege. **Net neutrality will prohibit ISPs from unilaterally deciding to favor certain content and will ensure that we receive full, fair, accurate, and equal access to the internet.**

Can you please put that in simpler terms?

Yes! Not everyone is familiar with net neutrality, so sometimes **a few analogies can help**:

Travelers on the Highway: Think of the internet as a highway, and every user is a driver in a car. Without “destination neutrality,” the company who owns the highway can discriminate based on where a car is looking to go. If the company doesn’t want drivers to visit Hood River, the company can close all of the exits to Hood River so it’s not possible to get there. If the company has been paid to promote the City of Medford, it can allow cars travelling to Medford to drive in a faster lane, while forcing cars headed for the nearby town of Eagle Creek to spend their entire trip in the slow lane (in the hope they will eventually decide to go to Medford because it’s easier). On the other hand, a destination neutral highway could charge drivers more money to drive in a faster HOV lane, but there couldn’t be any destination discrimination. Similarly, on a net neutral internet superhighway, subscribers can pay for faster internet access, but content discrimination is prohibited.

The Bridge and the Marketplace: Imagine a bridge over a river that runs between a market and farmland. A bridgekeeper has the right to collect a toll from everyone who crosses, and the bridge is frequented by farmers headed to market to sell their goods. After years of charging everyone the same price to cross the bridge, the bridgekeeper decides to start charging some farmers more than others based on their identity, their political beliefs, or the type of goods they’re transporting. On the same basis, the bridgekeeper decides to block some farmers from crossing the bridge entirely. The bridgekeeper also gives some farmers special privileges if they are willing to make side deals with the bridgekeeper. In response, farmers and marketgoers call on the city to declare the bridge a common carrier and impose a “bridge neutrality” rule that still allows a toll to cross the bridge, but without discrimination among those who pass. The bridgekeeper protests that such a rule would interfere with the “free market.” But the bridge itself is not much of a market, and without “bridge neutrality” the bridgekeeper’s actions distort the actual marketplace that depends on it, giving some farmers an advantage simply because they have gained favor with the bridgekeeper. The city’s action doesn’t threaten markets. To the contrary, it helps to ensure that the market thrives, with a wide variety of goods for the public to purchase.

Telephones without Neutrality: Imagine a (strange and frustrating) world where telephone companies can make certain telephone call connections choppy or cause a few seconds to pass before you can hear what the person on the other line just said, but only when you are talking about certain subjects or have called someone the telephone company doesn’t like. Imagine the telephone company has also made a deal with Domino’s Pizza to allow your calls for pizza delivery to go through immediately. But you have to sit on the line for ten minutes before a

call is put through to Papa Murphy's, because they weren't willing to pay the telephone company as large a fee as Domino's. The only way to order pizza from the mom-and-pop pizza shop you like best is to leave the house and dine there, because the telephone company had a dispute with the owner and decided to block their calls. Fortunately, this isn't how phone lines operate. It isn't how the internet should operate either, which is why we need net neutrality.

What does this bill do to promote net neutrality?

This bill uses the purchasing power of state and local government in Oregon to promote net neutrality among ISPs. State and local government in Oregon purchases and funds broadband internet access services in a variety of ways. For example, government purchases internet access services for use by government employees, agencies, and for the benefit of the public, such as free Wi-Fi and internet access at a public schools and libraries. Government may also provide grant funds to organizations and nonprofits who provide public service, so they can pay for internet access services for their employees and clients.

This bill will promote net neutrality by prohibiting state and local government from contracting with ISPs for the provision of broadband internet access service unless they fully comply with the following net neutrality principles:

Transparency! ISPs must fully disclose information about their network management practices, performance and terms of service, so the public and watchdogs can confirm the ISPs are following net neutrality principles for all of their customers.

No Blocking! ISPs may not prevent access to lawful content, applications, and services.

No Throttling! ISPs may not slow down applications and services to hinder competition.

No Paid Prioritization! ISPs may not give content creators, applications and services preferential treatment in exchange for payment.

No Unreasonable Interference or Discrimination! ISPs must provide equal and unbiased access to content, applications, and services.

How does net neutrality relate to our civil rights and liberties?

Free expression: Net neutrality promotes free speech and open discourse. The internet's openness enhances speech through its decentralized, neutral, nondiscriminatory transmission of information from origin to destination without interference. Consumers decide what information to seek out, instead of having that information picked and chosen for them.

Because of net neutrality rules that promote nondiscriminatory speech, association, and content, the internet has become one of the leading marketplaces of ideas.

Political engagement and activism: The internet is an incredibly important platform for grassroots organizing and political change, one that has transformed much of the way the public engages in activism. Without net neutrality, ISPs will be able to interfere with this important tool for democracy by favoring or disfavoring certain causes and voices.

Equality: Just as it is important that we promote equality in other aspects of our lives and society, it is critical that we promote equality on the internet. This has become more and more important as the internet has become such a fundamental part of modern life. Net neutrality promotes equality by ensuring that everyone has the equal right to communicate and access services on the internet.

Diversity of voices: Net neutrality is also important for ensuring that people with less power, money and influence can have their voice heard. Because anyone can create and share content on the internet without an admission price, voices that may not otherwise be elevated and heard can use the internet as a means of sharing their stories and perspective with the world.

Why do we need a state-level law?

We did have federal regulations requiring net neutrality. But the Federal Communications Commission voted in December 2017 to implement new rules that end net neutrality in the United States. It appears to be highly unlikely that the federal government will act quickly (or at all) to correct this very problematic decision by the FCC. That is why many states around the country are acting fast to ensure net neutrality in their jurisdictions. These efforts will not only help to promote net neutrality in each individual state, but they also create momentum for the return of broader net neutrality protections at the federal level.

Are other states taking action?

Yes! At our last count:

4 state governors have signed Executive Orders establishing statewide Net Neutrality (Montana, New York, New Jersey, and Hawaii) with potential orders are rumored to be coming in other states (PA, AK, and NC).

30 states (so far) have introduced or are preparing to introduce legislation that varies in scope, and is intended to preserve net neutrality in some form.

States with bills already introduced include: WA; CA; DC; GA; IA; IL; MA; MD; MO; NE; NJ; NY; OH; OR; PA; PR; RI; SC; TN; VT; VA; AK.

States where it is likely bills will be introduced include: CO; WI; WV; ME; CT; IN; NC; SD.

Is this a partisan issue?

It certainly should not be. **People and organizations across the political spectrum support net neutrality.** A recent national poll¹ found that 83 percent overall favor keeping the FCC's net neutrality rules. Broken down further, **75 percent of Republicans, 89 percent of Democrats and 86 percent of independents favor net neutrality.**

Support from such a wide variety of people is probably due to the fact that there is nothing fundamentally liberal or conservative about the idea that the companies connecting you to the internet shouldn't limit your access information, services and applications.

For people who care about preserving the free market, **net neutrality and an open internet preserves a free market** (see "The Bridge and the Marketplace" analogy above for an explanation of how this works). **Net neutrality also creates a more egalitarian society** by ensuring that anyone with access to the internet has access to the entire internet, regardless of their class or income.

¹ <http://www.publicconsultation.org/united-states/overwhelming-bipartisan-majority-opposes-repealing-net-neutrality/>