



February 13, 2018

Representative Jennifer Williamson, Chair  
House Committee on Rules  
900 Court St. NE, HR 50  
Salem, Oregon 97301

RE: HB 4155

Dear Chair Williamson and Members of the Committee:

I write on behalf of the City of Portland to support HB 4155, which prohibits broadband internet access service (BIAS) providers from disclosing, selling or permitting access to personal information of their subscribers. The City of Portland also supports the proposed -4 amendments, which prohibit public bodies from contracting with BIAS providers that do not follow net neutrality rules.

A 2017 Pew Research Center reports the typical American household now contains five internet connected devices and nearly one-in-five households contain 10 or more devices.<sup>1</sup> The growth in device ownership per household is why consumer advocates are now focusing on ISP consumer privacy protections. As explained by Jules Polonetsky, privacy expert and CEO of the Future of Privacy Forum:

[Privacy] rules wouldn't have applied to the likes of Google or Facebook — massive data collectors and digital advertisers — and that has been a major point of contention for ISPs. But consumer groups argue that's no reason to roll back restrictions on Internet providers. Plus, they point out, you could abandon those companies in favor of other websites, if you disagree with their policies; switching Internet providers is not so easy... ISPs have historically played a very small role in (the ad targeting) market for a range of reasons. ... The big challenge for big advertisers is that their audience is dispersed across laptop, and mobile, and tablet, and TV and elsewhere. And linking that user's identity is a challenge. ... And this is a place where ISPs are able to play a role. ... They now have something to offer — cross-device capabilities — that others can do, but others have to do it differently.<sup>2</sup>

<sup>1</sup> Kenneth Olmstead, "A third of Americans live in a household with three or more smartphones", *Fact Tank*, Pew Research Center, May 25, 2017, <http://www.pewresearch.org/fact-tank/2017/05/25/a-third-of-americans-live-in-a-household-with-three-or-more-smartphones/>. (accessed February 12, 2018)

<sup>2</sup> Alina Selyukh, "As Congress Repeals Internet Privacy Rules, Putting Your Options in Perspective", *all tech considered*, National Public Radio, March 28, 2017,



The proposed -4 amendments to HB 4155 provide additional safeguards for Oregon’s broadband consumers now necessitated by the FCC’s recent *Restoring Internet Freedom Order*. This FCC action dramatically weakened protections for a free and open internet. Commenting on the FCC’s elimination of the basic net neutrality rules, Public Knowledge VP Chris Lewis said, “This gives free rein to broadband providers to block or throttle your broadband service as long as they inform you of it.”<sup>3</sup> That is precisely why the City of Portland stands with the 8 out of 10 Americans<sup>4</sup> who support net neutrality rules like those in the -4 amendments to HB 4155. Net neutrality advocates fear a repeat of the past violations by some of the largest ISP companies. These companies only agreed to stop throttling internet content as a condition for approving mergers with large content providers, not as an admission to any wrong doing.<sup>5</sup>

Broadband internet access is the new utility of the 21<sup>st</sup> century. No longer a commodity of convenience, it has become the epicenter for access and information in our daily lives. A utility of such fundamental value that its priority lies just below that of water and energy. It must be protected through legislation and not left to the good will of those who own the infrastructure. HB 4155, and the additional net neutrality language in the -4 amendments, provides the necessary protection needed and wanted by Oregon residents. Thank you for your consideration.

Sincerely,



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<https://www.npr.org/sections/alltechconsidered/2017/03/28/521813464/as-congress-repeals-internet-privacy-rules-putting-your-options-in-perspective>. (accessed February 12, 2018)

<sup>3</sup> Jon Brodtkin, “FCC explains how net neutrality will be protected without net neutrality rules”, Ars Technica, December 11, 2017, <https://arstechnica.com/tech-policy/2017/12/voluntary-net-neutrality-will-protect-consumers-after-repeal-fcc-claims/> (accessed February 12, 2018).

<sup>4</sup> Brian Fung, “This poll gave Americans a detailed case for and against the FCC’s net neutrality plan. The reaction among Republicans is striking”, Washington Post, December 12, 2017. <https://politics.ucsc.edu/undergraduate/chicago%20style%20guide.pdf>. (accessed February 9, 2018).

<sup>5</sup> Kevin Taglang, “Net Neutrality’s New Chapter”, Benton Foundation, April 28, 2017, <https://www.benton.org/headlines/bentons-headlines/april-28-2017-net-neutralitys-new-chapter> (accessed February 12, 2018).