



OREGON
TELECOMMUNICATIONS
ASSOCIATION

Testimony of Brant Wolf

Oregon Telecommunications Association

HB 4155 and amendments

February 13, 2018

House Committee on Rules

The Oregon Telecommunications Association (OTA) represents 32 Incumbent, Competitive, Municipal and Tribal telecommunications service providers. Our members offer state of the art data, voice and video service in rural and in some cases remote areas of Oregon.

First and most importantly the following statement: before net neutrality rules were in place at the Federal Communications Commission (FCC), during the time net neutrality rules were in place at the FCC and following repeal of net neutrality rules at the FCC our members have not blocked access, throttled access, capped data or prioritized internet traffic in order to achieve some kind of business advantage over a competitor at the expense of our customers.

For the following reasons, the OTA opposes HB 4155 and urges this Committee not to support any legislation related to net neutrality until the telecommunications industry, legislators, staff at the Oregon Public Utility Commission and the public have been afforded the opportunity to discuss and resolve these issues.

- a. This bill is narrowly tailored to state agencies. Absent any instances or even allegations of the activity this bill seeks to address, no harm has come to the state and by extension any of it's citizens.
- b. This issue falls under the purview of the FCC and regulations addressing it should remain at that agency. It is obvious that one single agency is the best place to address net neutrality concerns, not 50+ separate agencies and regulatory bodies.
- c. The -4 amendments carve out exemptions to the law in certain situations and for certain providers. Since no vetting of this language has occurred, what certainty can be given that there are not other compelling and legitimate exceptions or exemptions that should be considered?

The exception language acknowledges that there are instances where network management issues would take priority over the intent of the amendment language.

Finally, and maybe most importantly for our small rural carriers, this bill does not fully consider the impact it would have on providing service to state agencies. I merely ask if thought has been given to the small carriers that certain state agencies depend on to haul data from a rural location out to the world.

Our small, rural carriers would happily sign any net neutrality agreement the state wants us to sign. We would simply be agreeing to continue not doing what have always not done. However, this ignores the reality that we do not own the long haul fiber routes needed to complete the route from a state agency in for example, Condon or Klamath Falls or any other rural area where a state agency might be served by one of our members.

If a long haul carrier does not sign the agreement contemplated by this language then we have no way out to the world. The effect of this would be that our members could no longer participate in the bid process for state agency opportunities, schools or libraries. The long haul carrier does not have the state agency contract, our local community members do.

To summarize, the OTA opposes the adoption of the -4 amendments and respectfully requests that the Committee instead consider vetting this issue in an open, deliberate manner.