

Statement of Representative Anna G. Eshoo
Subcommittee on Communications and Technology
House Committee on Energy and Commerce
Protecting the Internet and Consumers Through Congressional Action
2123 Rayburn House Office Building
January 21, 2015

Today's hearing renews a critical discussion in a new Congress about the Internet.

- Should it be truly open and equal?
- Should consumers, competition and choice drive our deliberations?
- Should privacy and the disabled be protected?
- Should every region, city, town and reservation – be they rural or urban – have equal access to broadband speeds capable of leveraging innovative online content and services?

I've reviewed the Majority's proposal very carefully, and I commend you for finally acknowledging that we, in fact, do have problems with online blocking, throttling and paid prioritization. We agree that bright-line rules should apply to both fixed and mobile broadband services.

What is abundantly clear in the Majority's proposal is to purposely tie the hands of the FCC by prohibiting them from reclassifying broadband under Title II.

The proposal creates a huge loophole called 'specialized services.' On the one hand the proposal says it will prohibit 'fast lanes' – but under 'specialized services,' a loosely defined term, broadband providers can give themselves prioritized service, and the FCC will have no power to define this.

If our goal is to have a system that guarantees equal access of an open Internet to everyone – and it should – who will carry out and oversee this?

This proposal carries an enormous bias against enforcement, which in turn, doesn't give consumers a leg to stand on.

The proposal does harm to the efforts made to bring broadband to rural areas. It could unintentionally harm the 9-1-1 system; limit the FCC's authority to promote access by the disabled to communications services; and it could restrict access by competitors to utility poles.

The proposal also attempts to address specific forms of discrimination, but who today knows with any certainty what tomorrow's forms of discrimination will be? The proposal takes away the authority of the FCC to address them.

I don't think your constituents or mine are clamoring for a Bill of Rights for various companies. They want the guarantee of an open, accessible Internet. Four million said so to the FCC. Our goals should match theirs:

- Protect ordinary consumers.
- Promote innovation.
- Create real competition.
- Advance startups.

And when we do, our constituents should be 100 percent confident that these principles are carried out.

An open Internet is not only critical to America's future. It is essential for every American to learn, to educate, to conduct commerce, to build businesses and create jobs, to innovate, to expand our economy, and to promote democracy. It will strengthen the middle class and add to its ranks.

What path we take will determine much of our future. In an attempt to eliminate bad practices, we should not be tempted to establish rules that will create new bad practices. This would be a march to folly.