

Net Neutrality

Problem:

In the last decade-plus, the debate over net neutrality has gained momentum, with Democrats and Republicans pushing back and forth on legislation. Net neutrality is the principle that an internet service provider (ISP) must provide access to all sites, content and applications at the same speed, under the same conditions without blocking or preferencing any content.

- In April 2015, the Federal Communications Commission (FCC), under a Democratic administration, published a rule implementing open internet regulations that prohibited the blocking or degrading of lawful content on the internet by ISPs.
- In Dec. 2017, the FCC, under a Republican majority, voted to repeal net neutrality rules, clearing way for internet service companies to charge users more to see certain content and to curb access to some websites. NSBA strongly opposed this change.
- In Oct. 2019, a federal appeals court upheld most of the FCC's repeal of the rules. However, it also ordered the agency to reconsider its repeal, based on how the move might affect public safety, regulations on infrastructure attachments to utility poles, and the FCC's ability to provide subsidies to low-income individuals for broadband service.
- In Oct. 2020, the three Republicans making up the FCC's majority voted to leave the order unchanged.
- In Feb. 2021, the U.S. Department of Justice under President Biden dropped a department lawsuit filed under former President Trump that challenged California's net neutrality rules. California's law, stricter than the federal rules adopted during the Obama administration, could set the baseline for future federal rules. California adopted these new rules after the FCC's repeal of federal net-neutrality rules in 2017.
- The Biden Administration is expected to champion net neutrality. We can see the first steps already being taken, with the DOJ dropping the California lawsuit, and Biden's appointment of Jessica Rosenworcel, a staunch supporter of net neutrality, as the acting chairwoman of the FCC.

Solution:

A free and open Internet helps prevent unfair pricing practices by ISPs. It promotes innovation, the spread of ideas across platforms, and drives entrepreneurship. It allows companies to compete on a level playing field when customers want to visit their websites.

- With strong net neutrality protections, the Internet is an open marketplace where any business can compete, allowing individuals to start companies easily, market their products across the country, and connect with customers anywhere worldwide.
- Paramount to the discussion on net neutrality ought to be the importance of innovation and how any court challenge or state legislative measure must ensure that small businesses aren't relegated to a second-class-citizen role unable to pay massive premiums OR limited in how they are allowed to charge and provide access to their own content/services/goods.