

THE CASE FOR MODERN NET NEUTRALITY RULES

The net neutrality debate has narrowed substantially and put a genuine victory for consumers, digital democracy and our information economy within reach. All sides strongly support net neutrality. All sides also support the federal government having the permanent authority to enforce these protections. Federal Communications Commission Chairman Ajit Pai is working to secure modern net neutrality safeguards, and Congress should step in and make these consumer protections permanent. Here's why it's a clean, updated and permanent approach best serves our connected nation.

Consumers Deserve Modern, Enforceable Net Neutrality Rules

Our internet was open, dynamic and growing before its politicization two years ago, when prior FCC leadership—under pressure from the White House—imposed utility-style regulations from 1934 onto consumers' broadband service. Consumers will continue to enjoy net neutrality protections under Chairman Pai's updated approach. If Congress makes these safeguards permanent, the only change will be a return to the modern, bipartisan and pro-innovation policy framework that has defined the formidable success of the internet's evolution in our country from day one.

U.S. Policy Should Support Net Neutrality AND World-Leading Broadband Networks

Broadband companies are the leading investors in the U.S. economy—seeding more than \$1.5 trillion into our nation's information infrastructure over the past 20 years.¹ During all but the last two years, through Republican and Democrat control of the White House and Congress, U.S. leaders have exercised regulatory restraint, creating an environment that encouraged broadband investment—and the innovation it makes possible.

We Know the Negative Consequences of a More Regulatory Path

Broadband investment is down substantially in the first two years of the heavy-handed Title II regime. This is consistent with lessons learned abroad. When the internet first emerged, European governments struck a more regulatory posture. The result? For years, U.S. network investment beat out Europe on a per household basis by a 2:1 margin.² To this day, many in Europe still struggle with slower speeds and more limited deployment of faster networks, while the U.S. remains the undisputed innovation center of the world.

¹ USTelecom and Yankee Group, available at <http://ustelecom.org/news/press-release/broadband-investment-remains-large-ticked-down-2015>

² Christopher Yoo, "New University of Pennsylvania Analysis Finds U.S. is Far Ahead of Europe in Broadband Deployment, Access, Usage," June 3, 2014; available at: <https://www.law.upenn.edu/live/news/4786-new-university-of-pennsylvania-analysis-finds-us#.WP-gXoWcGUL>

U.S. Policy Must Prioritize Keeping Pace With Consumer Connectivity Demands

The U.S. is 5% of the world's population, yet our networks account for nearly one third of global internet traffic.³ Why? The average online American consumes 82GB of data each month. This is wonderful news. It means Americans are taking full advantage of all that broadband offers. But staying ahead of this fast-rising demand requires massive ongoing network investment. Subjecting U.S. broadband networks to Depression-era regulations is a surefire way to undercut this essential infrastructure progress.

Modern Rules Empower Consumers, Entrepreneurs to Drive Innovation

Consumers' choices and entrepreneurs' visions should continue to shape the future evolution, growth and expansion of the internet ecosystem, not government policies written in the same year the U.S. lifted Prohibition. Those who argue that Title II is the one true path to net neutrality need to join the real world. You don't have to be a Silicon Valley engineer to understand that archaic government policies have zero shot at being as quick, nimble, smart, adaptive and transformative as the dynamic technology they seek to control.

There Is an Open Internet Mandate; There is No Broadband Utility Mandate

There is near-universal support for enforceable open internet safeguards. There is no such mandate to regulate U.S. internet infrastructure back to the stone age. Yet that is precisely the agenda of those who insist on the Title II approach. As recently explained by one of its top proponents, Title II "is not really about net neutrality: It's about whether or not internet access is a utility."⁴ Consumers have a lot to say about their broadband service. What they don't say is, "I really wish it was my internet company was more like my gas company."

Modern Rules=Modern Jobs

The more our internet grows and thrives, the more people are hired to build, extend and enhance these networks and leverage broadband's many possibilities into expanded opportunities in every sector of our economy and every community in our country. Indeed, 84% of all investment in the internet comes from broadband providers—as do 900,000 American jobs.⁵ As leaders at all levels of government seek to encourage and attract this network investment and innovation to their communities, the answer is more constructive policy—made permanent by Congress—that protects consumers' online freedoms and privacy while also safeguarding their interest in better, faster, stronger broadband service.

³ Cisco Virtual Networking Index.

⁴ Susan Crawford, "The FCC Is Leading Us Toward Catastrophe," Backchannel, April 17, 2017; available at: <https://backchannel.com/the-fcc-is-leading-us-toward-catastrophe-603cdb3dfe11>

⁵ Anna-Maria Kovacs, "Telecommunications competition: the infrastructure-investment race," October 13, 2013; available at: http://internetinnovation.org/images/misc_content/study-telecommunications-competition-09072013.pdf.