

oral reports
4-24-18

Gloria Sitton

From: Allison Silberberg
Sent: Monday, April 23, 2018 4:46 PM
To: Justin Wilson; Del Pepper; Paul Smedberg; John Chapman; Willie Bailey; Timothy Lovain
Cc: Mark Jinks; James Banks; Gloria Sitton; City Council Aides
Subject: RE: Net Neutrality Resolution
Attachments: Net Neutrality Resolution.docx; Mayors Letter on Net Neutrality-c1.pdf

Dear Colleagues,

I wrote you last week about the issue of Net Neutrality. This is a very important issue throughout our country, and I personally have received hundreds of emails about it. I understand that Net Neutrality is a complex concept, but I think it is worthy of discussion because fair access to the internet is so important to the economy and our well-being. I will bring this up during Orals tomorrow night to see if there is interest in docketing it for the first legislative meeting in May.

I had previously signed a letter to the FCC, but this Resolution is a far more public stance that is consistent with our City's position and other localities. And it is complementary to what we have already done on municipal broadband. I think that doing this as a whole Council would send an important message to our residents and businesses.

Once again, attached is the proposed Resolution and the letter that I signed to the FCC.

All my best,

Allison

Mayor Allison Silberberg
Alexandria, Virginia
allison.silberberg@alexandriava.gov
o: 703-746-3982
c: 571-319-9948

Cc: Kyle Herman, Executive Assistant

From: Allison Silberberg
Sent: Wednesday, April 18, 2018 4:17 PM
To: Allison Silberberg; Justin Wilson; Del Pepper; Paul Smedberg; John Chapman; Willie Bailey; Timothy Lovain
Cc: Mark Jinks; James Banks; Gloria Sitton; City Council Aides
Subject: RE: Net Neutrality Resolution

Dear Colleagues,

As discussed, here is the Resolution I would like to add to the docket for Tuesday. It has been reviewed by the City Attorney's Office, and Mr. Banks told me that he saw no legal issues with it and that it is in alignment with the position taken by many other state and local governments.

I would be happy to hear your thoughts.

All my best,

Allison

Mayor Allison Silberberg
Alexandria, Virginia
allison.silberberg@alexandriava.gov
o: 703-746-3982
c: 571-319-9948

Cc: Kyle Herman, Executive Assistant

From: Allison Silberberg
Sent: Monday, April 16, 2018 6:18 PM
To: Justin Wilson; Del Pepper; Paul Smedberg; John Chapman; Willie Bailey; Timothy Lovain
Cc: Mark Jinks; James Banks; Gloria Sitton; City Council Aides
Subject: Net Neutrality Resolution

Dear Colleagues,

I am sure that you have heard from many residents who are concerned about the issue of Net Neutrality. I have received numerous emails asking for Alexandria to designate itself as a "Net Neutrality City" after the FCC recently repealed Net Neutrality protections, which was highly unfortunate.

Mr. Jinks has advised me that city staff does not have the resources to implement and enforce Net Neutrality on our own. While this is a federal issue, I think it behooves us to be clear with our residents, internet service providers, and federal lawmakers that we as a Council support the principles of Net Neutrality.

Just as we committed our City to the goals of the Paris Climate Agreement after the President decided to pull out of the agreement, we should have a similar response as a City to the FCC's decision regarding Net Neutrality.

Therefore, I would like for us to consider a Resolution in support of Net Neutrality at our next legislative session on April 24th. Such a Resolution would be consistent with our values and our City's position. I have attached a letter that I signed late last year, asking the FCC to uphold Net Neutrality and maintain safeguards for a free and open Internet. We could base our Resolution on this letter.

I plan to work with staff to draft this Resolution over the next couple of days.

Please let me know if you have any thoughts or concerns. I certainly welcome your input.

All my best,

Allison

Mayor Allison Silberberg
Alexandria, Virginia
allison.silberberg@alexandriava.gov
o: 703-746-3982
c: 571-319-9948

Cc: Kyle Herman, Executive Assistant

Resolution

WHEREAS, a free and open Internet has become a vital tool for communications, education, economic success, and general well-being; and

WHEREAS, the principle of Net Neutrality holds that Internet service providers should treat all data equally, without discriminating based on content; and

WHEREAS, Net Neutrality has guided the Internet as an informal rule since its creation, and the 2015 Open Internet Order was implemented in order to institutionalize Net Neutrality; and

WHEREAS, the repeal of the 2015 Open Internet Order by the Federal Communications Commission in 2017 removed enforceable rules that would have preserved and protected Net Neutrality; and

WHEREAS, violations of Net Neutrality could result in increased costs, blocking or slowing of traffic, or other restrictions on Internet access that would have an adverse economic impact and disproportionately harm the most vulnerable; and

WHEREAS, keeping the Internet free and open is in the best interest of our City and our residents.

NOW, THEREFORE, be it resolved by the City Council of Alexandria, Virginia, that the City of Alexandria supports the principles of Net Neutrality and aims to be a “Net Neutrality City” where Internet service providers treat all data equally; and that the City urges the federal government to adopt a national policy to enforce Net Neutrality.

Mayors For Meaningful Net Neutrality Protections

Federal Communications Commission
445 12th Street SW,
Washington, DC 20554

Re: ***Restoring Internet Freedom Draft Order*** (WC Docket No. 17-108)

Dear Chairman Pai and Commissioners Clyburn, O’Rielly, Carr and Rosenworcel:

We write to express our strong opposition to the ***Restoring Internet Freedom Draft Order*** (“Proposal”) to eliminate critical consumer and economic protections adopted in the 2015 Open Internet Order. A free and open Internet forms the backbone of the 21st Century economy, and as leaders of local communities we are acutely aware of the threat to education, innovation, and economic growth posed by the Proposal. We are also deeply disturbed by the Commission’s efforts to preempt our ability to protect consumers and businesses in our communities. We strongly oppose this proposal, and urge the Commission to reconsider.

As community leaders, we recognize the direct and substantial benefits that broadband connectivity and access to a free and open Internet have in our communities. Our economies, educational institutions, government agencies, and communities, in general, increasingly rely on broadband connectivity and the transformative power of the Internet to drive economic growth, individual and community development, and improve government service and accountability for all our citizens. Critical to our communities’ reliance on the Internet is the confidence that our use of the Internet is not subject to the whims, discretion, or economic incentives of gatekeeper service providers to control or manipulate the experience of Internet users. The 2015 Open Internet Order enshrined the principles of Net Neutrality, which protect and preserve this confidence, in enforceable rules grounded in the strongest legal authority, Title II. As more than 60 Mayors wrote in July, “full repeal would have a particularly negative impact on middle- and working-class families, while simultaneously restricting access to certain types of online content and services to those who cannot afford to pay more.”¹ The Commission’s proposal appears to accept just such a result.

The Commission’s proposal both abandons the legal foundation for Net Neutrality rules and eliminates the rules themselves. We are certain that the Commission’s proposals will fail to protect the Internet, and should be abandoned. Despite the Commission’s stated support for the principles of Net Neutrality, the Commission’s proposal: enables abusive gatekeeper behavior by dominant broadband providers; allowing broadband providers to engage in paid prioritization schemes which rob value from local communities and stifle innovation; and threatens businesses and consumers by permitting blocking, throttling, and other interference with access to the

¹ *In the Matter of Restoring Internet Freedom*, WC Docket No. 17-108, *Ex Parte Letter from the Mayors of Boston, New York, and other US Cities* (Jul. 12, 2017).

Internet. And, because broadband affordability in low-income communities is already a significant challenge faced by communities nationwide, the Commission's proposal is certain to have a disproportionate effect on the most vulnerable.

We object to the Commission's reliance on voluntary commitments from service providers and enforcement of those commitments by the Federal Trade Commission (FTC). The FCC's rules appear to contemplate a marketplace in which service providers, faced with limited or no competition, will be subject to oversight only to the extent that their conduct deviates from whatever commitments they make up-front. Moreover, the disclosure of voluntary commitments required under the Commission's new transparency rule could be changed at any time by service providers, rendering them meaningful only to the extent providers choose not to amend their promises to permit future harmful conduct. Lastly, the Commission's Proposal inadequately addresses a scenario in which an area is served by a single provider that blocks, throttles, or otherwise renders top-tier broadband service too expensive for low-income families; without an alternative provider, our citizens must simply accept these practices in order to participate in our connected world. The Transparency rules described in the Proposal are a tacit admission that consumers care about—and do not want—provider practices that impinge their ability to access the Internet.

The Commission's preference for Federal Trade Commission (FTC) enforcement means harm to the Internet and consumers must occur before the FTC can act, and then only after an elaborate and prolonged FTC proceeding. We are also not confident that the FTC can or will intervene in a timely manner so as to avoid leaving our communities without choices and without the advanced wireless services needed to prosper in today's economy. Broadband connectivity is too central to our economy, education, healthcare, and culture to allow abusive practices to distort access to information as a predicate for government action.

We are also troubled by the cloud of uncertainty the Commission's actions cast over the connected future in our cities. As the Commission knows, the United States has progressed in developing highly-connected communities, an effort which will accelerate even further as the technological landscape surrounding the internet of things and autonomous vehicles develops. Even as the Commission's actions cast great uncertainty on the health of the Internet ecosystem, and its availability to communities often deprived of competitive choice, the Commission repeatedly cites the Commission's concerns about uncertainty for dominant service providers. The Commission's singular focus on this particular industry's welfare is harmful to the entirety of the Internet ecosystem.

Despite receiving no mention whatsoever in the Commission's Notice of Proposed Rulemaking earlier this year, the Commission's proposal seeks to compound its prioritization of the broadband industry above all others, and above local communities, by broadly preempting state and local government ability to respond to the unique challenges faced in our communities. Given the breadth of this Proposal, and the requirements of the Administrative Procedures Act, stakeholders should have been given the chance to explore and respond to new rules that appear to eliminate state and local authority to regulate *nearly every important aspect of broadband service provision*, likely including privacy-related rules. This is not in the public interest. Each city, town, village, county, and state in this nation is unique, and faces its own challenges in embracing the digital future. The Commission's proposal prohibits local leaders such as ourselves from protecting our constituents, businesses, and economies from abusive service

provider practices. While the Commission's proposal appears content to let harms occur and trust the FTC to remedy those harms after the fact, some of our communities prefer local solutions to challenges facing our communities. The Commission's effort to preempt here, even aside from its serious legal deficiencies, represents a stark, inexplicable, and unwarranted attack on "the constitutional principles that lie at the heart of our system of government."²

In sum, we strongly oppose the Commission's proposal. It offers carte blanche to powerful service providers but little more than promises to consumers. The Commission's approach puts those few companies ahead of millions of Americans, tens of thousands of businesses which depend on a free and open Internet, and local communities solving everyday problems Americans face. We urge the Commission to recognize, as most Americans do, the Commission's duty to protect, preserve, and enforce the strong Net Neutrality protections already in place under the 2015 Open Internet Order and its Title II regulatory framework. Anything less threatens to undermine the investment, innovation, and freedom Americans enjoy and expect online.

Sincerely,

Kathy Sheehan, Mayor, City of Albany, New York

Allison Silberberg, Mayor, City of Alexandria, Virginia

Steve Adler, Mayor, City of Austin, Texas

Catherine E. Pugh, Mayor, City of Baltimore, Maryland

Jesse Arreguin, Mayor, City of Berkeley, California

Martin J. Walsh, Mayor, City of Boston, Massachusetts

Melvin Kleckner, Town Administrator, Town of Brookline, Massachusetts

Miro Weinberger, Mayor, City of Burlington, Vermont

E. Denise Simmons, Mayor, City of Cambridge, Massachusetts

Deborah Frank Feinen, Mayor, City of Champaign, Illinois

Andy Berke, Mayor, City of Chattanooga, Tennessee

Rahm Emanuel, Mayor, City of Chicago, Illinois

Mary Casillas Salas, Mayor, City of Chula Vista, California

Robb Davis, Mayor, City of Davis, California

Board of Supervisors, DeSoto County, Mississippi

Lucy K. Vinis, Mayor, City of Eugene, Oregon

Lioneld Jordan, Mayor, City of Fayetteville, Arkansas

² *Id.* at 13.

Gil Ziffer, Commissioner, City of Tallahassee, Florida, President, Florida League of Cities

Jud Ashman, Mayor, City of Gaithersburg, Maryland

Patrick Taylor, Mayor, Town of Highlands, North Carolina

William McLeod, Mayor, Village of Hoffman Estates, Illinois

Archibald L. Gillies, Chairman, Islesboro Board of Selectmen, Town of Islesboro, Maine

Derek Dobies, Mayor, City of Jackson, Michigan

David Baker, Mayor, City of Kenmore, Washington

Peter d'Errico, Chair of Select Board, Town of Leverett, Massachusetts

Chris Beutler, Mayor, City of Lincoln, Nebraska

Eric Garcetti, Mayor, City of Los Angeles, California

Paul Soglin, Mayor, City of Madison, Wisconsin

Kathrin Sears, Chair, Marin Telecommunications Agency JPA Supervisor, Board of Supervisors, Marin County, California

James E. Darling, Mayor, City of McAllen, Texas

Megan Barry, Mayor, Metropolitan Nashville & Davidson County, Tennessee

Jon Mitchell, Mayor, City of New Bedford, Massachusetts

Bill de Blasio, Mayor, City of New York, New York

David J. Narkewicz, Mayor, City of Northampton, Massachusetts

Libby Schaaf, Mayor, City of Oakland, California

William Peduto, Mayor, City of Pittsburgh, Pennsylvania

Ted Wheeler, Mayor, City of Portland, Oregon

Anthony P. Falzarano, Mayor, Town of Putnam, Connecticut

Tom Butt, Mayor, City of Richmond, California

Byron Randolph Foley, Mayor, City of Salem, Virginia

Edwin M. Lee, Mayor, City and County of San Francisco, California

Sam Liccardo, Mayor, City of San Jose, California and Member, Federal Communications Commission
Broadband Deployment Advisory Committee

Pauline Russo Cutter, Mayor, City of San Leandro, California

Zach Friend, Vice Chair, Santa Cruz County Board of Supervisors, Santa Cruz County, California

Ted Winterer, Mayor, City of Santa Monica, California

Joanne D. Yepsen, Mayor, City of Saratoga Springs, NY and the City Council, City of Saratoga Springs, New York

Gary R. McCarthy, Mayor, City of Schenectady, New York

Jenny A. Durkan, Mayor, City of Seattle, Washington

Patricia Smith, Mayor, City of South Portland, Maine

Domenic J. Sarno, Mayor, City of Springfield, Massachusetts

Christine Lundberg, Mayor, City of Springfield, Oregon

David R. Martin, Mayor, City of Stamford, Connecticut

Stephanie Miner, Mayor, City of Syracuse, New York

Marilyn Strickland, Mayor, City of Tacoma, Washington

Andrew D. Gillum, Mayor, City of Tallahassee, Florida

Diane Wolfe Marlin, Mayor, City of Urbana, Illinois

William D. Sessoms, Mayor, City of Virginia Beach, Virginia

John Heilman, Mayor, City of West Hollywood, California

Gary Resnick, Mayor, City of Wilton Manors, Florida