

TESTIMONY OUTLINE RE: NET NEUTRALITY

Senate Finance Committee/January 25, 2018

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1. AT&T supports a free and open internet, but objected to the legal basis used by the FCC in 2015 to impose net neutrality rules on Internet Service Providers like AT&T.
2. There is a distinction between managing traffic on the network on a nondiscriminatory basis, or for other legitimate purposes such as giving priority to First Responders as part of the “FirstNet” system, and a non-neutral internet, i.e., “paid prioritization.”
3. Since the inception of the Internet in the early 1990s AT&T has operated its network in a neutral fashion and is committed to continuing to do so. Not only is company committed to net neutrality as a matter of principle, but the marketplace demands it.
4. The December 2017 FCC action repealing the 2015 rules restored the situation to that which existed from the early 1990s to 2015, which is to treat Internet Service Providers as providing an “information service,” as opposed to being treated as a “common carrier,” which was the result of the 2015 FCC ruling.
5. Treating ISPs as a “common carrier,” i.e., potentially subjecting them to a command and control regulatory system, will dis-incentivize investment in broadband infrastructure. Again, from the early 1990s to 2015 ISPs were treated as providers of “information service,” not common carriers, and they operated their networks in a neutral fashion.
6. This issue needs to be solved by Congress. It is a major policy issue that should not be determined by a federal agency, and because it is a national issue it should not be addressed by the states on a piecemeal basis. State specific rules are administratively unworkable, unmanageable and technically infeasible, and will potentially push state level broadband investment elsewhere.
7. AT&T supports federal legislation to permanently protect an open internet and has urged Congress to act. The day before yesterday (01/24/2018), an open letter from AT&T’s Chairman and CEO, Randall Stephenson urging Congress to act was published in major newspapers like the NYT, Washington Post and WSJ.