

Thank you for the opportunity to testify in support of H.11, the Vermont Broadband Consumer Protection and Competition Act. My name is John Bergmayer, and I am the Legal Director at Public Knowledge, a nonprofit organization dedicated to promoting affordable broadband, consumer protections, and fair competition. My longer written testimony has been submitted to the record.

Today, Vermont consumers face real risks from unfair practices by broadband providers. The FCC currently lacks statutory authority to directly regulate broadband. This was a deregulatory choice by the previous Trump administration, which also removed the ability of the FCC to preempt state regulation. Since then, courts have consistently upheld states' ability to implement broadband consumer protections.

H.11 addresses several issues. First, it ensures consumers receive the internet service they're promised. Providers must deliver the speeds and performance they advertise. This is essential because accurate information allows consumers to make informed choices and hold providers accountable.

Second, the bill rightly addresses the issue of data caps. These limits are usually unnecessary and unfairly penalize consumers without true justification. Eliminating or strictly limiting data caps helps ensure equitable internet access for all Vermonters, especially those in rural areas who rely heavily on broadband for essential services like remote work, education, and healthcare.

Third, H.11 strengthens net neutrality by clearly prohibiting broadband providers from discriminating against or prioritizing certain types of internet traffic. Vermont already requires net neutrality compliance for providers seeking state contracts. Codifying net neutrality protections clearly in Vermont law maintains an open internet environment and prevents broadband providers from unfairly favoring their own services or partners.

Additionally, while the current practice requiring providers to certify compliance for state contracts is valuable, it should be clear that the requirement to follow net neutrality rules is more than a requirement to obtain a periodic certification, but a direct substantive requirement.

Fourth, the bill promotes fairness and transparency in pricing. Providers often use hidden fees and misleading pricing practices to inflate costs, deceiving consumers who find unexpected charges after contracts are signed, or who find that unfair fees make it more expensive to switch providers. Fees that consumers cannot reasonably avoid, such as mandatory equipment charges, are unjustified if they could be included in the advertised price. Optional fees should reflect actual costs, or be comparable to third-party options. We recommend that the Attorney General adopt clear rules specifying what constitutes justified and unjustified fees, using the authority provided in H.11. Clear rules from the Attorney General's office would greatly enhance consumer understanding and provider accountability.

The bill addresses broadband reliability during emergencies. Broadband is critical during disasters, enabling essential communications, public safety alerts, and services. Providers must maintain service during these critical moments without exploiting consumers through unjustified practices or pricing. Strengthening this provision, such as by requiring backup power systems or other resilience measures, could further safeguard Vermont residents during times of crisis.

Finally, broadband affordability remains an important underlying issue. The strongest consumer protections mean little if Vermonters can't afford service. This bill promotes transparency in pricing and takes essential steps toward ensuring all families, regardless of income, have access to reliable internet. Vermont might also consider additional affordability measures, like requiring providers to offer low-cost service tiers or discounts for lower-income households.

Public Knowledge strongly supports H.11. Vermont has a unique opportunity to set a positive example for consumer protection, competition, and fairness in broadband markets. We look forward to working with you and urge you to pass this important legislation to protect Vermont consumers and foster a robust and competitive broadband market.

Thank you.