



Public Knowledge

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Maryland House of Delegates

Written Testimony of John Bergmayer
Legal Director, Public Knowledge

In Support of
House Bill 957, Maryland Net Neutrality Act of 2020
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Chairman Davis, Vice Chair Dumas, and members of the committee. My name is John Bergmayer, Legal Director at Public Knowledge, a consumer advocacy organization. I am also a resident of Hyattsville, Maryland. I write to explain why the people of Maryland deserve strong net neutrality protections and to support HB 957.

The FCC abdicated its responsibility to protect broadband users on a federal level. Not only did it repeal the popular 2015 Open Internet Order, but it also decided that it lacked basic authority over broadband providers at all. As the DC Circuit recognized, this opened the door for states to step in to protect consumers where the federal government will not. Various states around the country have stepped up with enacted or proposed legislation to ensure that people get what they pay for when they subscribe to broadband service. Maryland should join them.

Maryland is a culturally, economically, and geographically diverse state. Its entire population would benefit from the protections of HB 957. An open Internet allows people to access the content and services of their choice online. It allows students to turn in their homework, residents to access important government information, and library users to access the ebooks, streaming services, and other digital content that are an increasing part of their collections. It provides access to remote health care and online educational opportunities. An open Internet would protect small businesses in Maryland, ensuring that they do not need to pay tolls to reach customers, and are not disadvantaged relative to large competitors that can afford to cut special deals with broadband providers. And it would help secure Maryland's role as an innovative state open to high-tech jobs.

At its core net neutrality is a simple idea. It applies the time-tested principles of common carriage to broadband access service. This means that broadband providers cannot block or degrade the Internet services their users wish to access, and that they should not charge online services tolls for prioritized access.

Without common carriage, the Internet as we know it would not have been able to thrive. It was common carriage, enforced by the FCC, that ensured that people were allowed to use modems with their telephone connections, and could connect to the online services of their choice. Without basic legal protections enforced by the FCC, telecommunications carriers would likely have pushed users into "walled garden" services, or blocked competitive services entirely. We did not allow telecommunications carriers to monopolize data connections, or to preference their own services. Net neutrality seeks to restore this balance in the broadband era.

State authority over broadband is about more than just net neutrality. States can protect consumers from unfair billing practices from broadband providers, and ensure that broadband providers aren't collecting and selling user data. They can ensure transparency as to broadband providers' business practices. States can also ensure that public safety communications aren't throttled on broadband networks, and that citizens can access emergency communications and networks. While it is focused on important Open Internet protections, HB 957 is an important step toward reasserting public oversight of communications networks more generally.

Millions of Americans expressed support for the now-repealed net neutrality rules with the FCC, and polling suggests that net neutrality remains overwhelmingly popular on a bipartisan basis, with 80% of Americans supporting restoring the protections of the 2015 Open Internet Order. HB 957 is not just good policy, it's a political winner, and I urge you to support it. Thank you.