



Legislation Text

File #: 2017-0509, **Version:** 2

A MOTION expressing support for federal and state rules and policies protecting net neutrality.

WHEREAS, net neutrality, sometimes referred to as "open Internet" or "Internet freedom," is described by the Federal Communications Commission as Internet where broadband service providers cannot block or deliberately slow speeds for Internet services or applications, favor some Internet traffic in exchange for consideration or engage in other practices that harm Internet openness, and

WHEREAS, practices such as throttling, blocking and paid prioritization have been considered by experts to hinder net neutrality, and

WHEREAS, King County is a world-leading hub of high-tech invention and development and the birthplace of many leading Internet and technology companies, and

WHEREAS, King County is also home to over two million residents, many of whom rely on the county to provide essential services such as law enforcement, healthcare, assistance for youth and the elderly and social services, and

WHEREAS, established county programs, services and information require affordable, accessible and open Internet access to better enable county citizens to avail themselves of these programs, services and information, and

WHEREAS, open Internet provides citizens the opportunity to search for gainful employment, participate in free web-based job training programs and learn new skills through online education courses, and

WHEREAS, public safety, emergency services, education and healthcare services all rely on the availability of broadband Internet service free from throttling, blocking and paid prioritization, and

WHEREAS, the preservation of net neutrality is necessary for the prosperity of the King County local economy, including, but not limited to, startup technology companies, rural businesses and entrepreneurs, and

WHEREAS, net neutrality encourages competition among businesses, fosters innovation, creates jobs and promotes economic vitality, both within King County and across the nation, and

WHEREAS, King County, as a Washington local government, adheres to and champions the principle of transparency, including transparency in the provision of broadband Internet service, and

WHEREAS, King County is best served and civic engagement is enhanced through the availability of open Internet, and

WHEREAS, King County and its citizens depend on the accessibility of affordable and nondiscriminatory broadband Internet service to ensure that all residents, businesses, nonprofit organizations and public agencies have the opportunity to participate in the governmental process through the use of digital and communications technology, and

WHEREAS, the Federal Communications Commission adopted net neutrality rules in its 2015 Report and Order on Remand, Declaratory Ruling, and Order, Protecting and Promoting the Open Internet, GN Docket No. 14-28 ("the 2015 report and order"), to protect consumers from tactics that threaten the open Internet by banning blocking, throttling and paid prioritization, and

WHEREAS, the 2015 report and order adopted a policy on blocking, which states that "A person engaged in the provision of broadband Internet access service, insofar as such person is so engaged, shall not block lawful content, applications, services, or non-harmful devices, subject to reasonable network management," and

WHEREAS, the 2015 report and order adopted a policy on throttling stating "A person engaged in the provision of broadband Internet access service, insofar as such person is so engaged, shall not impair or degrade lawful Internet traffic on the basis of Internet content, application, or service, or use of a non-harmful device, subject to reasonable network management," and

WHEREAS, the 2015 report and order adopted a policy on paid prioritization stating "A person engaged in the provision of broadband Internet access service, insofar as such person is so engaged, shall not engage in paid prioritization," which refers to the management of a broadband provider's network to directly or indirectly favor some traffic over other traffic either in exchange for consideration, which is monetary or otherwise, from a third party or to benefit an affiliated entity, and

WHEREAS, in the 2015 report and order, the Federal Communications Commission reaffirmed its 2010 transparency rule, which states that "A person engaged in the provision of broadband Internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings," and

WHEREAS, in the 2015 report and order, the Federal Communications Commission reclassified broadband Internet access service as a public utility under Title II of the Telecommunications Act, which provided the legal basis for the commission to enforce its net neutrality rules, and

WHEREAS, the Federal Communications Commission published a Notice of Proposed Rulemaking in May 2017, Restoring Internet Freedom, WC Docket No. 17-108, in which it announced its proposal to rescind the net neutrality rules in the 2015 report and order, and end public utility regulation of the Internet, and

WHEREAS, following the Notice of Proposed Rulemaking, the Federal Communications Commission released a Declaratory Ruling, Report and Order, and Order, Restoring Internet Freedom, WC Docket No. 17-108 ("the 2017 report and order"), which provided additional details regarding the proposal to rescind the net neutrality rules, and

WHEREAS, the 2017 report and order also included a provision preempting any state or local measures that would effectively impose rules or requirements that the commission has repealed or decided to refrain from imposing in the order or that would impose more stringent requirements for any aspect of broadband service

addressed in the order, and

WHEREAS, state and local governments are closest to the people and the preemption provision would threaten the authority of the state of Washington and King County to govern, and

WHEREAS, the Federal Communications Commission's Chairman Ajit Pai announced that the Commission will tentatively consider the proposal to rescind those net neutrality rules and end public utility regulation of the Internet at its December 14, 2017, Commission meeting;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

A. The metropolitan King County council:

1. Expresses King County's strong support for the preservation and defense of net neutrality rules and policies as articulated by the Federal Communications Commission in its 2015 Report and Order on Remand, Declaratory Ruling, and Order, Protecting and Promoting the Open Internet, GN Docket No. 14-28; and

2. Expresses King County's strong support for action at the state level seeking to protect net neutrality within the state of Washington.

B. The clerk of the council is directed to send a copy of this motion to each member of Washington's congressional delegation and state legislature.