



## Legislation Text

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**File #:** 33292, **Version:** 1

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### Fiscal Note

No appropriation is required.

### Title

Urging the FCC to reclassify Broadband Internet Service as a Telecommunications Service and establishing a basis for Net Neutrality.

### Body

WHEREAS, a free and open Internet is key to the economic and political future of the citizens of the City of Madison; and

WHEREAS, "Net Neutrality" is the concept of applying "common carriage" rules to the Internet in order to preserve its freedom and openness; and

WHEREAS, common carriage has historically been used to protect users of canals, railroads, truckers, telegraph and telephone networks from discrimination by the owners of said canals, railroads, truckers, telegraph and telephone networks; and

WHEREAS, in January 2014, the U.S. Court of Appeals for the District of Columbia struck down the Federal Communications Commission's Net Neutrality rules, which prohibited Internet providers from blocking or prioritizing Web traffic; and

WHEREAS, the Court found that the FCC's rules contradicted a previous FCC classification of broadband providers that exempts them from treatment as common carriers; and

WHEREAS, the providers of broadband Internet service are getting fewer, larger, and both economically and politically more powerful as corporate mergers continue in the telecommunications industry; and

WHEREAS, the Wisconsin legislature passed 2003 Wisconsin Act 278 which erected barriers to the provision of broadband service by municipalities and therefore prevented additional real local competition in the provision of high-speed broadband; and

WHEREAS, Judge Silberman's concurring opinion in the Net Neutrality case suggested that state barriers to municipal broadband service are an additional significant limitation to Internet access; and

WHEREAS, the Federal Communication Commission is now considering both a restructuring of the rules by which it will enforce Net Neutrality and a possible pre-emption of state laws such as 2003 Wisconsin Act 278;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison hereby urges the Federal Communications Commission to reclassify broadband Internet service as a Telecommunications Service under Title II of the Communications Act of 1934 rather than as an Information Service under the Telecommunications Act of 1996, thus establishing firm legal footing for common carriage regulations as the basis for Net Neutrality; and

BE IT FURTHER RESOLVED, that the Common Council of the City of Madison further recommends that the

FCC pre-empt state barriers to municipal broadband service as a significant limitation to competition in the provision of Internet access.