Energy and Technology Committee

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Testimony Opposing:

Senate Bill 6, *An Act Concerning Net Neutrality Principles and Internet Privacy*

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Chairman Needleman, Chairman Arconti, Senator Formica, Representative Ferraro, and distinguished members of the committee, thank you for the opportunity to submit testimony opposing Senate Bill 6, *An Act Concerning Net Neutrality Principles and Internet Privacy.*

The FCC took huge strides to encourage investment and innovation in the Internet ecosystem by proposing to bring net neutrality back under the bipartisan light-touch regulatory framework that has enabled the Internet to thrive. Despite no evidence of problems with this light-touch approach, the previous FCC rejected it in favor of monopoly-era Title II telephone regulation—a decision that slowed network investment. Thankfully, the FCC has corrected that course, recognizing that the 2015 Order was a solution in search of a problem.

Frontier, like other Internet Service Providers, has always been committed to the core principles underlying net neutrality. Frontier does not block or throttle customer access to content, and Frontier supports sharing transparent information about its services. The FCC's 2017 Order did not change that.

The decision will ***NOT*** fundamentally change what websites user can access or alter how users experience the Internet. The 2017 Order is not nearly so exciting—it is really about the underlying legal framework and why Title II is completely inappropriate for the Internet. Both Republicans and Democrats have agreed on the core net neutrality principles for well over a decade, and the principles adopted by the FCC in 2005 embodied these principles through a light-touch approach under Section 706. Unfortunately, that Title II approach carried a lot of regulatory baggage and slowed down Internet investment. A US Telecom study showed that U.S. broadband providers invested over $2 billion less in in network infrastructure in 2016 as compared to 2014. The chilling effects of the 2015 Order were very real.

Frontier—with its roots as a highly-regulated Title II provider—understands better than most all of the unnecessary burdens that comes along with this extreme and antiquated form of regulation. Title II was designed for a time when there was a single monopoly phone company, not an era when consumers can choose between several wireline, wireless, mobile, and satellite providers, and more adults have opted to go wireless only than maintain a landline. From tariffing to rate regulation to controls over entry and exit, Title II is a top-down, highly prescriptive framework that cannot keep up with the fast-evolving and dynamic network that the Internet is. That is the

beauty of the 2017 Order—protecting against any harms to consumers while avoiding all of the regulatory baggage by removing the net neutrality rules from Title II, yet maintaining the bipartisan consensus safeguards.

Net Neutrality is a matter that needs to be settled by Congress, not at the state level.

Under well-established federal law, it is illegal to sell or share consumers' sensitive personal information. It is illegal for an ISP or anyone else to sell sensitive personal information such as Social Security numbers to the public. Health and children's data also are protected under additional federal laws that are fully in force. (HIPAA and CIPA). Furthermore, there is also existing privacy law under the Federal Communication Commission's jurisdiction. See Section 222 of the federal Communications Act.

Additionally, ISPs have publicly recommitted to following privacy practices modeled after the Federal Trade Commission's well-tested approach, which governs privacy for the rest of the internet ecosystem. Those principles specifically prohibit sharing "sensitive" information, such as precise geolocation data, unless customers have submitted an "opt-in" form. Consistent with the rest of the internet ecosystem, all major ISPs allow subscribers to "opt out" of practices that would allow providers to collect and share their non-sensitive data for marketing purposes.

Frontier does not track or sell individual customer browsing history. Frontier remains committed to safeguarding our customers' privacy and to transparency regarding how we use certain information. Frontier's privacy policy, available on our website and attached to this testimony, describes the limited circumstances for which we may use personal information, as well as how customers can further opt-out of the use of that information. We encourage all customers to fully review our comprehensive policy

Connecticut should not be attempting to regulate the Internet. The Internet transcends state—and even national—boundaries, and thus cannot be regulated at the state level. Additionally, the concept of asking broadband providers to manage their business to potentially 50 different sets of regulation is both irrational and inefficient. This is likely to lead to further reductions in capital spent to enhance broadband speeds and expand availability. The FCC, under both Chairman Wheeler in 2015 and Chairman Pai in 2017, understood this principle and thus both orders include strong language proscribing state attempts to regulate, either directly or indirectly, the Internet.

For these reasons we respectfully request that you oppose Senate Bill 6.