



Testimony of John D. Blair, Associate Counsel
Connecticut Business and Industry Association
Energy and Technology Committee Public Hearing
Tuesday, March 9, 2021

Senator Needleman, Representative Arconti, Senator Formica, Representative Ferraro, members of the Energy and Technology Committee, thank you for the opportunity to present testimony today. My name is John Blair, Associate Counsel at the Connecticut Business & Industry Association. CBIA is Connecticut's largest business organization, with thousands of member companies, small and large, representing a diverse range of industries from across the state. Ninety-five percent of our member companies are small businesses, with less than 100 employees.

CBIA provides the following testimony in **Opposition** to [SB 4 'An Act Concerning Data Privacy, Net Neutrality, Cyber Security and Fairness in Data Usage in the New Age of a Digital Workforce'](#).

SB 4 creates an unnecessary and onerous regulatory burden on the States broadband internet service providers. All broadband service providers would have to register with the Public Utilities Control Authority by January 1, 2022. Upon registration broadband service providers would be subject to regulatory oversight not dissimilar to how Energy policy is currently regulated. We have learned how burdensome that kind of regulation can be.

SB 4 proposes to establish under PURA a heavily regulated broadband service provider statutory scheme. SB 4 spells out the many elements that PURA will have authority over including, but not limited to content, devices, end users, fixed endpoints, mobile services, paid prioritization and overall network management.

More specifically, SB 4 includes language that would require broadband service providers to; 1) publicly disclose accurate information regarding the network management practices; 2) not allow blocking of any lawful content; 3) not impair or degrade the lawful internet traffic on the basis of internet content; 4) not engage in paid prioritization; and 5) not interfere with end users ability to access services or lawful content.

CBIA believes many, if not all, of the intended regulatory scheme are unnecessary for the following reasons;

- Internet service provider doing business in Connecticut have committed to abide by core net neutrality principles, including no blocking, throttling, or unfair discrimination against internet content or applications.
- Consumers are already fully protected because any commitments made by internet service providers are legally enforceable by federal authorities and the state Attorney General's Office, of course, retain their traditional consumer protection powers.

- States are already preempted and Congress is likely to act under a federal democratically controlled administration and legislature, their action is more likely than not. States are specifically preempted from imposing their own net neutrality rules by the FCC as well as by the Federal *Telecommunications Act of 1996*, which prohibits states from regulating services like broadband that are classified as “information services” and that are interstate in nature. ISPs have urged the Congress to pass bipartisan legislation to make commonly agreed upon net neutrality protections the law.
- Adopting State rules will hurt our economy. Connecticut has nothing to gain, but much to lose in adopting its own state rules. Passage of legislation will create an environment of regulatory uncertainty that will discourage innovation and investment in Connecticut, lead to costly litigation, and hurt our business climate.

For the reasons stated above, CBIA respectfully requests the committee not to take action on SB 4. I thank you for your consideration of my testimony.