



TESTIMONY OF CHRIS KEELEY, ASSOCIATE DIRECTOR, COMMON CAUSE/NY
Before the NEW YORK CITY COUNCIL COMMITTEE ON TECHNOLOGY IN GOVERNMENT

Regarding **Res 0712-2007** calling upon the United States Congress to pass H.R. 3458 and the Federal Communications Commission to formalize strong network neutrality principles in order to ensure that the Internet will continue to foster innovation, increase competition, and spur economic growth as well as making the Internet faster and more affordable for all.

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Good morning. Thank you for the opportunity to address you today. My name is Chris Keeley and I am the Associate Director of Common Cause/New York. Common Cause/New York is a nonpartisan non-profit advocacy organization founded as the citizens' lobby to encourage the voices of everyday Americans to be heard in the political process.

Common Cause firmly supports net neutrality -- the principle that Internet users should be able to access any legal web content they choose, post their own content, and use any applications they choose, without restrictions or limitations imposed by their Internet Service Providers. We support the Resolution before the Committee today calling on Congress to pass H.R. 3458 and for the Federal Communications Commission to codify strong net neutrality provisions.

As the Chair and members of this committee know well, the expansion of the Internet in recent years has fostered the development of an entirely new dynamic of democratic participation and has allowed for new heights of citizen involvement and access to information. Not only has the freedom of the Internet fueled innovation and the spread of information, but it has also provided a "town square" within which citizens can exchange opinions and engage in democracy.

According to the FCC proposal, "Congress has recognized that the Internet, 'offer[s] a forum for a true diversity of political discourse...'" Common Cause could not agree more strongly. The Internet provides that 'town square' for public discourse by allowing anyone with an Internet connection to express their views and to react to views of others. From the White House to the local PTA, the Internet has cultivated public debate and democratic participation.

The principle of net neutrality, in particular, has played a critical role in allowing this public discourse to take place. The Council should adopt this Resolution, as it will provide public support for the proposal currently pending before the FCC that would codify important net

neutrality provisions¹ and provide support for an important piece of legislation before the U.S. Congress.

The FCC is currently considering the adoption a set of principles that would codify the open, accessible, and participatory nature of the Internet that we have all come to know. This is a decisive moment. All Internet users should have access to the information of their choosing, as well as access to an uncensored forum of participation. By allowing Internet Service Providers to limit and rank the accessibility of certain voices is a direct infringement on the unparalleled equality that the Internet currently provides. One of the beauties of the Internet has been the level playing field: both the corporate monolith and the small-town blog have equal access to publish their material. Net neutrality is pivotal to this equality, as it places a wealth of information at our fingertips and allows us to submit our own information, largely without financial or geographic limitation.

It is important to note at this point, though, that while Internet access has become widespread, there are significant portions of households in America that do not have access to the Internet, including many right here in New York City. We applaud the Chair's ongoing work to narrow this digital divide and urge continued vigilance on this front.

The Internet, as members of this committee know, is playing an increasingly influential role as a medium for public debate. From political organizations or candidates calling for action by their supporters to facilitating the expanded influence of small-dollar donors in the campaign finance system, the Internet is important to the electoral process.

In addition to political candidates and organizations, individuals can gain access to information about their sitting legislators through forward-looking laws like New York's Local Law 11, which provides City-produced documents to the public through the Internet, and other powerful tools, such as webcasting, which New York City has not yet adopted but we hope to continue moving that forward.

Conclusion

The resolution before the Committee today would be an important public stand in support of net neutrality provisions, urging the FCC and the Congress to act in support of those critical principles. We urge the Council to adopt Res 0712-2007. I would like to thank the committee for holding this hearing. I would be happy to answer any questions you might have.

¹ The FCC has included a provision in the proposal that would allow ISPs to conduct "reasonable network management." The FCC should clarify these rules to ensure that unfair "management" actions are not taken. The FCC proposal, at paragraph 135: *"Reasonable network management consists of: (a) reasonable practices employed by a provider of broadband Internet access service to (2) reduce or mitigate the effects of congestion on its network or to address quality-of-service concerns; (ii) address traffic that is unwanted by users or harmful; (iii) prevent the transfer of unlawful content; or (iv) prevent the unlawful transfer of content; and (b) other reasonable network management practices."* FCC Notice of Proposed Rulemaking October 22, 2009.