



June 15, 2018

The Honorable Miguel Santiago
Chair, Assembly Chair of the Communications and Conveyance Committee
State Capitol, Room 6027
Sacramento, CA 95814

The Honorable Kevin de León
Senator, SD 24
State Capitol, Room 5108
Sacramento, CA 95814

Re: Support of SB 822

Dear Chairman Santiago and Senator de León,

As California and national progressive groups fighting for net neutrality protections that allow us to pursue economic and racial justice, **we urge your AYE vote on SB 822 (Wiener) over SB 460 (de León).**

While Senator de León's introduction of SB 460 in January sent an early and forceful message that California legislators needed to stand up for the rights of all Californians to use the internet as they choose without interference from the companies they pay to get online, **SB 822 is the most comprehensive state-level bill in the country**

As the committee prepares to meet Wednesday, **we urge that the committee and Senator de León unite behind SB 822** to reinstate the critical net neutrality protections that were repealed

by the Trump administration on June 11, despite the bipartisan public outcry from citizens, activists, communities of color, startups and internet pioneers.

SB 822 incorporates all of the key protections of the FCC 2015 Net Neutrality order. Unlike nearly all state level efforts to date, it does not simply copy the two-pages of FCC rules. Crucially, it also translates the protections from the comprehensive order that accompanied and explained the rules.

For instance, SB 822 prohibits ISPs from charging websites fees for access to users and bans ISPs from using interconnection practices to circumvent net neutrality protections, a known loophole ISPs used from 2013-2015. The FCC banned both of these practices in the body of the 2015 order. For instance, the body of the order defined access fees as a special kind of blocking and throttling.

SB 460 does not ban either of those practices, as it simply copied over the rules. Recognizing SB 822's comprehensive protections, former FCC chairman Tom Wheeler has spoken out for SB 822 and filed a letter of support.

SB 822 also bans anti-competitive forms of zero-rating, while permitting those that benefit Californians and don't harm speakers and startups without deep pockets. SB 460 lacks these protections.

The need for SB 822's ban on ISPs preferentially zero-rating their own content or video services became even more clear this week as AT&T and Time Warner were cleared by a federal judge to join in a mega-merger of content and delivery that, in absence of protections, will be used to crowd out competing services and disadvantage other voices, including those of communities of color.

That's why groups such as Color of Change, National Hispanic Media Coalition, and Center for Media Justice support SB 822.

Next week's special session of the Communications and Conveyance committee in the Assembly will be a crucial moment in the fight to reinstate all of the core protections of the 2015 Net Neutrality order for Californians.

This is a moment for unity. Net neutrality protections were repealed on Monday, leaving the internet unprotected from ISP misbehavior for the first time in U.S. history. Then on Tuesday, a federal judge approved the AT&T/Time Warner merger. On Wednesday, Comcast made a \$65B offer for 21st Century Fox's massive content business.

California residents and the state's economy are now unprotected from giant ISPs like AT&T and Comcast. Those ISPs have the means, motive and opportunity to reconfigure the internet to their benefit, harming everyone else including startups, communities of color, activists, students and low-income families that rely on an open and free internet. Larger ISPs' own words and history make clear they will do just that if we allow them to.

That's why we as **progressives are united in support of passing SB 822**, which is the only California bill that includes comprehensive net neutrality protections that match the 2015 order.

We strongly urge Senator de León to shift his support and energy to supporting SB 822, which should unite this committee in the effort to bring back net neutrality protections to California.

We deeply appreciate his early leadership on this issue. The progressive community in California and nationwide is firmly in support of SB 822, and we urge him to use his vision and leadership to get SB 822 through committee without amendments that water down its protections.

With combined leadership from Sens. de León and Wiener and from this committee, SB 822 can make it through a challenging Assembly vote and become law in California. Winning comprehensive protections for Californians would draw national attention and set an example for other states to follow.

Now is the time for us to work together to comprehensively protect an open and free internet in California.

Sincerely,

Color Of Change
Demand Progress
Indivisible Project
Common Cause
Center for Media Justice
Fight for the Future
Internet Creators Guild
Public Knowledge
RootsAction.org
New America's Open Technology Institute
California Clean Money Campaign
The Greenlining Institute
Free Press
Women's Media Center
Oakland Privacy
Indivisible CA: StateStrong
Indivisible 43 Playa Del Rey
Indivisible Solano
Orinda Progressive Action Alliance
Indivisible 30/Keep Sherman Accountable
Indivisibles of Sherman Oaks
Indivisible East Bay

Change Begins With ME (Indivisible CA Assembly District 78)

Livermore Indivisible

Mondo McNyp

Founder Academy

Indivisible SF

SFV Indivisible (San Fernando Valley)

Indivisible Windsor

Indivisible Sacramento

Indivisible CA39

Indivisible Suffragettes

LaJolla/University City Indivisible

TWW-Los Gatos/Indivisible Los Gatos

The Resistance Elk Grove

Indivisible Marin

Indivisible Central Contra Costa County

Peaceful Resistance Network

Indivisible: San Diego Central

Indivisible Sausalito

EveryLibrary

Indivisible Resistance San Diego

Appalshop, Inc.

Swing Left Peninsula

The Resistance - Northridge, Indivisible

Santa Cruz Indivisible

Indivisible Eagle Rock

Indivisible CA-25 Simi Valley Porter Ranch

CC:

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Assembly Member Eduardo Garcia

Assembly Member Rob Bonta

Assembly Member Chris Holden

Assembly Member Sydney Kamlager-Dove

Assembly Member Evan Low

Assembly Member Sharon Quirk-Silva

Assembly Member Freddie Rodriguez