



Legislation Details (With Text)

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**On agenda:** 4/17/2018      **Final action:**

**Title:** Request by Mayor Howorth to Authorize the Mayor to Sign a Pledge in Support of Net Neutrality.  
CONSIDER SIGNING PLEDGE

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Net Neutrality Pledge

Date	Ver.	Action By	Action	Result
4/17/2018	1	City Council Regular Meeting		

**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
Bruce Moe, City Manager

**FROM:**  
Sanford Taylor, Information Technology Director  
George Gabriel, Management Analyst

**SUBJECT:**  
Request by Mayor Howorth to Authorize the Mayor to Sign a Pledge in Support of Net Neutrality.  
**CONSIDER SIGNING PLEDGE**

**RECOMMENDATION:**  
At the request of Mayor Howorth, staff recommends City Council consider signing the “Mayors for Net Neutrality Pledge” in support of Net Neutrality.

**FISCAL IMPLICATIONS:**  
There are no fiscal implications associated with the recommended action.

**BACKGROUND:**  
Net Neutrality is the idea, principle, or requirement that Internet Service Providers (ISP) should or must treat all Internet data as the same regardless of its kind, source, or destination. Proponents of Net Neutrality believe that individuals should be free to access all content and applications equally, regardless of the source, without Internet Service Providers discriminating against specific online services or websites. For example, an ISP may not charge more for sites that stream movies or promote a specific agenda. This is also referred to as the open internet.

The Federal Communications Commission (FCC) regulates interstate and international

communications and is an independent U.S. government agency overseen by Congress. The FCC Commission is responsible for implementing and enforcing America's communications law and regulations.

On February 26th, 2015, the FCC voted to pass the Open Internet Order, enacting Net Neutrality rules that limited ISP's from blocking, throttling, or allowing the paid prioritization of internet access, amongst other regulations.

Following administrative leadership changes within the federal government, the FCC began to explore the idea of removing the Net Neutrality passed in 2015. On December 14, 2017, the FCC passed the Restoring Internet Freedom Order which reversed the FCC's actions to a framework prior to the 2015 regulations. The Restoring Internet Freedom Order removed the rules put in place by the by the FCC that:

1. Prevent the blocking of website, services, or content online;
2. Prevent throttling or slowing down of website or services online;
3. Prevent paid prioritization where broadband providers give preferential treatment to some websites and services over others.

#### **DISCUSSION:**

In response to the Restoring Internet Freedom Order, various Mayors around the United States are taking positions and signing pledges. Mayors Bill de Blasio of New York, Ted Wheeler of Portland and Steve Adler of Austin recently called on all other U.S. mayors to join them in a Cities Open Internet Pledge, which requires all internet providers with whom they do business to follow a strong set of Net Neutrality principles. The pledge states:

“We each commit our city to take all available steps to ensure the internet remains open and to keep gatekeepers from throttling, blocking or limiting government content on the internet. To that end, to the extent permitted by law and within our control, we will:

1. Procure applicable internet services from companies that do not block, throttle, or provide paid prioritization of content on sites that cities run to provide critical services and information to their residents.
2. Ensure an open internet connection with any free or subsidized service we offer to our residents.
3. Not block, throttle or engage in paid prioritization when providing internet service directly to our residents, such as through free public Wi-Fi or municipal broadband.
4. To the extent permitted, require clear and accessible notices of filtering, blocking and prioritization policies with enforceable penalties for violations to protect consumers from deceptive practices.
5. Monitor the practices of internet service providers so consumers and regulators can know when a company is violating open internet principles or commitments.
6. Encourage consumer use of ISPs, including municipal options that abide by open internet policies.”

Staff has reviewed the pledge (Attachment #1) and ensured the pledge conforms to the City's current practices. Consistent with City Council precedent, the City Council may authorize the Mayor to sign a pledge in support of Net Neutrality rules.

**PUBLIC OUTREACH/INTEREST:**

After analysis, staff determined that public outreach was not required for this issue.

**LEGAL REVIEW**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**Attachment:**

1. Net Neutrality Pledge