



STATEMENT IN RESPONSE TO FCC'S OPEN INTERNET ORDER

For many years, the National Association of State Utility Consumer Advocates (“NASUCA”) has been urging the Federal Communications Commission to reclassify broadband Internet access service (“broadband”) as a Title II telecommunications service, subject to public interest regulation. The Commission has now done just that, accepting the view of millions of American consumers.

NASUCA congratulates the Commission for this forward-looking classification. Now, in the 21st Century, the communications networks are transitioning to broadband, and regulation is as necessary as ever to protect consumers and to ensure that the network owners do not discriminate.

Many have correctly pointed out that Title II has its roots in 19th Century railroad regulation. Railroad regulation was necessary so that the owners of vital networks would not be able to discriminate, and could not demand unreasonable rates from, or deliver inferior quality services to, customers.

This regulation came to telecom with the 1934 Communications Act. Then the 1996 Act opened that network to competition. But the largest carriers have retained their market dominance and have sought and secured increased – but not always deserved – deregulation.

The result has been higher prices and lower quality, less reliable services than either a regulated or a competitive market would deliver.

The Supreme Court, in *National Cable & Telecommunications Association et al. v. Brand X Internet Services*, 545 U.S. 967 (2005), approved the FCC's earlier Title I broadband classification as a – but not the most – reasonable policy under the Telecom Act.

Reclassification under Title II is a sorely needed stride forward for consumers. It will allow reestablishment of the Commission's Open Internet Rules, as consumers have requested. It may open the door to other protections that will help ensure the reasonable prices and the good quality, reliable services consumers deserve.

ABOUT NASUCA

NASUCA is a voluntary association of advocate offices in more than 40 states and the District of Columbia, incorporated in Florida as a non-profit corporation. NASUCA's members are designated by laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. Members operate independently from state utility commissions as advocates primarily for residential ratepayers. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (e.g., the state Attorney General's office). NASUCA's associate and affiliate members also serve utility consumers but are not created by state law or do not have statewide authority.