

April 25, 2006

Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, D.C. 21515

Dear Representative:

The Committee is scheduled to take up the Communications Opportunity, Promotion and Enhancement Act tomorrow. We strongly urge your support for the Markey-Boucher-Eshoo-Inslee amendment on the issue of network neutrality. It addresses a major shortcoming in the bill that will have a serious impact on consumers if it is not corrected.

The bill does not include strong, enforceable provisions to prohibit broadband network owners from discriminating against content, applications and service providers. Network neutrality is the First Amendment of the Internet, the principle that guarantees that all speakers on the Internet are treated equally. This bill rightly recognizes that Congress must reestablish network neutrality protections that the Federal Communications Commission eliminated last year. All that remains is the FCC's policy statement, which leaves consumers unprotected. The simple codification of the FCC's policy statement will not solve the problem. Moreover the bill strips the FCC of its authority to establish network neutrality rules, leaving consumers exposed to anticompetitive tactics that will reduce competition and inflate consumer prices.

If left without a remedy, this bill will profoundly undermine innovation on the free and open Internet. The next generation of entrepreneurs will experience new barriers to entry; those that do make it into the market will be forced to pass their high costs along to consumers. In this way, discriminatory tiers of service and pricing will leave consumers with higher prices and fewer choices. Most consumer households have, at best, two choices for broadband service providers. In the absence of meaningful competition, it is imperative that consumers enjoy the fruits of a nondiscriminatory marketplace in content, applications and services.

We urge the Committee to adopt the Markey-Boucher-Eshoo-Inslee amendment. It would establish meaningful prohibitions on discrimination and restore the fundamental protection of equal treatment on the Internet.

Respectfully,

AARP  
Consumers Union  
Free Press

Consumer Federation of America  
US PIRG