

# **SB 460 (De Leon)**

## **Consumer Protection and Net Neutrality Act of 2018**

### **FAQs**

#### **1. What is Net Neutrality?**

“Net Neutrality” refers to a set of comprehensive consumer protection rules adopted by the Federal Communications Commission (FCC) several years ago—and rescinded last month by the Trump Administration as part of its broader national deregulation efforts. Those rules prohibited broadband internet service providers (high speed service providers like ATT, Comcast, Verizon, and Frontier here in CA) from restricting access to the internet, imposing discriminatory charges for certain kinds of internet access, or otherwise inhibiting open access to internet services.

#### **2. Why is the bill needed?**

On December 14, 2017 (last month) the newly installed-Trump majority at the FCC voted to strike down net neutrality rules and to eliminate key consumer protection and fairness requirements of law. The outcry was immediate and vocal. As one of the dissenting FCC commissioners stated, “This action places the FCC on the wrong side of the law, and on the wrong side of the American public.” 45 big city mayors also called for the rules to be reinstated <http://www1.nyc.gov/office-of-the-mayor/news/471-17/mayor-de-blasio-nyc-submit-joint-letter-other-cities-participate-day-of#/0>

The FCC action was further clouded by reports that thousands of “public comments” in support of the repeal were, in fact, fraudulent submittals not actually ever submitted by the parties listed on the comments.

#### **3. Are other states besides CA acting?**

State Legislators, from NY to WA have announced state legislation to backfill the requirements gutted by the FCC. . For example, Washington Governor Jay Inslee announced bipartisan state legislation to restore net neutrality rules. See, e.g.:

[Inslee promises state law protecting net neutrality https://www.seattletimes.com/seattle-news/washington-gov-jay-inslee-promises-state-action-on-net-neutrality-protections/](https://www.seattletimes.com/seattle-news/washington-gov-jay-inslee-promises-state-action-on-net-neutrality-protections/)

States snub FCC and write own NN Rules

<https://www.fastcompany.com/40510095/snubbing-fcc-states-are-writing-their-own-net-neutrality-laws>

CA/WA take action on NN Rules

<https://www.cnet.com/news/california-washington-take-action-after-net-neutrality-vote/>

Big City Mayors trash Trump NN Repeal

<http://statescoop.com/mayors-label-trumps-net-neutrality-reversal-an-affront-to-democracy>

**4. Aren't net neutrality rules by states and local governments preempted under federal law?**

According to numerous legal and policy experts, the issue of federal preemption of rules like net neutrality has not yet tested in the courts, so the issue is open to interpretation for now. it is accurate that the FCC has attempted to use its ADMINISTRATIVE authority to preempt states from acting, but there is both litigation and congressional activity pending on the issue. There is nothing to prevent states like CA from adopting laws, rules, and regulations to protect consumers using other theories such as contracts law or unfair business practices law.