



Senator Scott Wiener, 11th Senate District
Senator Kevin de Leon, 24th Senate District
Assemblymember Miguel Santiago, 53rd District

Senate Bills 822 and 460 – Restoring Net Neutrality in California

SUMMARY

Senate Bill 460 and 822 establish strong Net Neutrality policy for the state of California by reinstating the major rules and significant protections put in place in 2015 by the Obama-era Federal Communications Commission (FCC). By banning practices by Internet Services Providers (ISPs) that block or slow access to websites or that discriminates among websites or applications, these two bills will ensure that Californians are protected from harmful, anti-competitive, and anti-consumer practices by some of the world's largest companies.

PROBLEM

On June 11th, the FCC abolished Net Neutrality protections and abdicated its responsibility to protect an open internet. As a result, ISPs are free to create barriers and increase fees and costs to participate in the free markets that depend on the internet and to interfere with consumer choice.

Under the FCC's new regime, ISPs can speed up or slow down services like online video or calling, or even block all online calling services, except for the one service that paid that ISP. Such practices would extinguish the vital startup economy made possible by an open internet and hurt small businesses in California.

In an era of considerable media and communication consolidation, an absence of net neutrality protections will result in ISPs limiting choice, increasing prices, and disproportionately harming low-income Californians who cannot afford more expensive Internet service.

THE LEGISLATION

The net neutrality proposal put forward in SB 822 and SB 460 stands for the basic proposition that the role of internet service providers (ISPs) is to provide neutral access to the internet, not to pick winners and losers by deciding (based on financial payments or otherwise) which websites or applications will be easy or hard to access, which will have fast or slow access, and which will be blocked entirely.

Under this agreement, SB 822 will contain strong net neutrality protections and prohibit blocking websites, speeding up or slowing down websites or whole classes of applications such as video, and charging websites for access to an ISP's subscribers or for fast lanes to those subscribers. ISPs will also be prohibited from circumventing these protections at the point where data enters their networks and from charging access fees to reach ISP customers. SB 822 will also ban ISPs from violating net neutrality by not counting the content and websites they own against subscribers' data caps. This kind of abusive and anti-competitive "zero rating", which leads to lower data caps for everyone, would be prohibited, while "zero-rating" plans that don't harm consumers are not banned.

SB 460 will be amended to focus on requiring ISPs that enter into state contracts adhere to net neutrality principles. This provision ensures that public entities only expend taxpayer funds on contracts with ISPs that comply with California's comprehensive net neutrality protections.

All these steps in tandem will give California the ability to keep ISPs from engaging in practices that threaten Net Neutrality, and maintain the free flow of online information and discourse that is vital to a robust democracy. Upholding Net Neutrality is essential to our ability to petition the government for change, to engage with our fellow citizens, and even to learn new information and to create social change. These bills will preserve the open Internet that we have always known thanks to longstanding Net Neutrality protections which have become so vital to our country and state's economy and communities.

FOR MORE INFORMATION

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