



Office of the Mayor

CONSENT CALENDAR
May 1, 2018

To: Honorable Mayor and Members of the City Council

From: Mayor Jesse Arreguín
Councilmember Linda Maio
Councilmember Sophie Hahn
Councilmember Cheryl Davila

Subject: Cities Open Internet Pledge for Net Neutrality

RECOMMENDATION

- 1) Sign on to the Cities Open Internet Pledge.
- 2) Refer to the City Manager to look into ways to implement the points raised the Pledge and ensure the City of Berkeley is a Net Neutrality city.

BACKGROUND

The 2015 Open Internet Order established Net Neutrality, in which internet providers were not allowed to slow down or speed up services or affect internet traffic to certain sites. These regulations ensure that internet providers could not charge extra for websites that normally would be free to access, such as social media, news sites, etc.

Despite bipartisan opposition to ending Net Neutrality rules and millions of public comments opposing the move, in December 2017 the Federal Communications Commission (FCC) voted to repeal the Open Internet Order, ending Net Neutrality. In response to this vote, the Berkeley City Council voted on February 13, 2018 calling on Congress to repeal the vote during the 60 day window of opportunity for Congress to take action on the issue. No such action was taken, and the FCC ruling became official in the end of February.

The Mayors of New York, Portland, and Austin recently started the Cities Open Internet Pledge (Attachment 1), a campaign that calls on mayors throughout the country to support Net Neutrality in their municipalities. The pledge calls on cities to require all internet providers with whom they do business to follow a strong set of Net Neutrality principles. The accompanying petition allows residents to call on their mayors to sign onto the pledge. As of April 9, 2018, over 47,000 people have signed the pledge across hundreds of cities, including 346 and counting in Berkeley. Over 80 cities have signed onto the pledge.

FINANCIAL IMPLICATIONS

Unknown.

ENVIRONMENTAL SUSTAINABILITY

No environmental impacts.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

1: Cities Open Internet Pledge

Cities Open Internet Pledge

Over the past two decades, cities have increased their presence on the internet to provide information and services to constituents. In that time, conducting business online has gone from an amenity to a necessity. Cities have come to rely on the internet as an open medium with the assurance that a service provider will deliver a resident's request for government content just the same as they deliver any other content. The Federal Communications Commission's recent repeal of its Open Internet order violates that principle. Cities cannot allow private internet service providers to be the gatekeeper between our residents and the local government services on which they depend every day.

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.

