

Committee on Energy and Commerce

Opening Statement

of

Subcommittee on Communications and Technology Ranking Member Mike Doyle

From Core to Edge: Perspective on Internet Prioritization

April 17, 2018

Thank you Madam Chairman for holding this hearing, and thank you to the witnesses for appearing before us. I'd like to thank Matt Wood, a proud Pittsburgher for being here in particular.

This Subcommittee is once again discussing Net Neutrality and the fallout from Chairman Pai's repeal of the 2015 Open Internet Order. This short-sighted act has created an uncertain landscape where innovators and entrepreneurs trying to develop new services, applications, and devices can be taxed, tolled, or blocked at any time by an Internet Service Provider or ISP.

Prioritization practices that once were required to meet the standard of "reasonable network management," as judged by federal experts in network engineering, telecommunications, and competition policy at the FCC, will now be determined by an ISP's bottom line.

As I have talked to companies large and small that developed and deployed new applications in the wake of the 2015 Net Neutrality rules, their message was clear: that the certainty created by the rules was stoking investment and giving certainty to investors, and that consumers were benefiting from these new offerings. A number of companies I talked with were working to deploy services that directly competed with ISPs' own offerings at lower prices, bringing what we can all agree is much-needed competition to a stagnant marketplace.

I am deeply concerned that as we move forward in a world without the Open Internet Rules, ISPs will once again act in anti-competitive ways intended to tamp down competition and consolidate their hold over their customers. We've already seen ISPs zero-rate data from their own services and their affiliates - while forcing users to either limit usage on competing apps or pay costly overage fees.

If we look at the history of the internet before Net Neutrality, we find a number of instances where ISPs used their market position to stifle innovation and prevent competitors from bringing new products to market - all while coming to Congress and the government arguing that they were only thinking about the consumer. Today we are adding another chapter to that book.

April 17, 2018

Page 2

Today, we're talking about the prioritization of Internet content. If the testimony of a number of our witnesses is to be believed, paid prioritization can bring great benefits to the Internet. They claim that the coming flood of data can only be dealt with by prioritizing it and creating incentives and opportunities for websites and edge providers to pay to get their packets to consumers before their competitors.

Frankly, I don't believe it. We've heard these arguments before. The truth is that giving ISPs the ability to play gatekeeper only benefits the ISPs and their shareholders – and significantly HURTS innovators and consumers. More than that it fundamentally undercuts the level playing field and open marketplace that defines the Internet economy.

Now I have a bill that has 160 cosponsors in the House and companion legislation with bipartisan support in the Senate. To fix this mess. Our CRA would reinstate the 2015 Open Internet Rules and restore the FCC to its expert oversight role over ISPs network practices. When you look at the polling on this issue, these rules have overwhelming bipartisan support with the vast majority of Democrats, Republicans, and Independents. I hope to work with my friends on the other side of the aisle to make our bill bipartisan as well.

Madame, Chairman, I'd also like to raise a process issue leading up to today's hearing. Mr. Bennet—who was the first to submit his testimony—amended his submission yesterday afternoon in meaningful ways. I'm concerned that many of the changes to Mr. Bennet's written submission were of a substantive and factual nature. What's more, the Committee cannot get in the practice of allowing such last minute changes. When witnesses play games like this it undermines the credibility of these proceedings.

I'd also like to note that Baseball season is starting here again in Congress, and I had my team out of the field for the first time today. Like baseball these markets cannot function without clear rules and a ref to call balls and strikes. The world that ISPs want us to live in is one where there is no ref and there are no rules. The game only ends when the other team and all the fans go home because they are sick of watching one team play by their own rules. I don't want to live in that world and neither do the American people.