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Statement of Henry C. "Hank" Johnson, Jr.

House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law Hearing:

Net Neutrality and Antitrust

November 1, 2017

Thank you Mr. Chairman –

Thank you for holding this important hearing on net neutrality.

The issue of net neutrality has long been considered before the Congress and it is now ripening as the FCC is likely on the precipice of issuing a final order at the end of this year; thus, it will add another layer of complexity to this issue.

Today, the issue presented is whether antitrust enforcement would provide a better mechanism to prevent differential treatment of content or online traffic rather than the 2015 Open Internet Order issued by the FCC which prohibits blocking, throttling, and paid prioritization of online content. It is expected that the FCC will issue an order in December revisiting this matter.

It has long been my position that the internet should be open and free. In other words, I support the principle that that all content, websites, platforms, internet service providers (ISPs) and edge providers should be treated equally under the law in order to best protect the interests of consumers. Consumers everywhere benefit from content services that educate, enrich and connect us together and all content on the internet should be treated the same.

In fact, in the years since we first considered this issue, the ways in which we utilize the internet has only expanded.

While the use and the applicability of the internet has expanded, and this and other committees begin to consider what the internet of tomorrow will look like, certain truths about the internet have not and should not change.

An open internet means just what it says: it means no discrimination based upon content or the party presenting the content.

An open internet means no blocking or throttling and it means the flow of information across the internet will occur unfettered.

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The next thing to keep in mind is that there needs to be parity. Parity of the application of the law among all similarity situated entities and most especially parity for the consumer, to ensure that the consumer does not feel the effect of disparate treatment.

This is an important segue to the reason for this hearing, the differing treatment within the internet's ecosystem by the Federal Trade Commission and the Federal Communications Commission.

This different treatment by the two agencies has created a spate of uncertainty—uncertainty for backbone networks, broadband providers, edge providers and end users. It is this last group—the end users, the everyday consumers—for whom I fight in Congress and whose interests I seek to vindicate.

This hearing is crucial for determining the role of antitrust law enforcement and net neutrality. I look forward to hearing the testimony from the witnesses today and I look forward to working with my colleagues on both sides of the aisle to ensure that the internet remains open to all.