

Press Statement

Contacts: Marcella Gadson, MMTC Director of Communications
mgadson@mmtconline.org (202) 332-0500
 James L. Winston, NABOB President
jwinston@nabob.org (202) 463-8970

FCC's Open Internet Order Replacing Title II Reduces Barriers to Broadband Deployment But Fails to Retain Section 706 to Deter Blocking, Throttling, Unfair Discrimination, and Digital Redlining

WASHINGTON, D.C. (January 9, 2018): The **Multicultural Media, Telecom and Internet Council (MMTC)** and the **National Association of Black Owned Broadcasters (NABOB)**, along with other major civil rights and diverse business advocates, have long supported the need for an open internet, but using Section 706, rather than Title II, to deter abuse. The FCC's Declaratory Order, the full text of which was released on January 4, 2018, reduces barriers to broadband deployment by eliminating outdated, public utility-styled Title II regulation of the internet, but it fails to retain Section 706 of the 1996 Telecom Act as a strong protection of the core net neutrality principles of "no blocking, throttling, or unfair discrimination," and to prevent digital redlining in the deployment of broadband.

Section 706 and FTC Enforcement

We believe the FCC erred by choosing not to retain the ability to use Section 706 of the 1996 Telecom Act as a strong protection of the core net neutrality principles of "no blocking, throttling, or unfair discrimination," and to prevent digital redlining. By replacing Title II internet regulation with FTC-based internet oversight, but without Section 706 as a backup enforcement mechanism in the event the FTC's consumer protection mechanisms prove to be insufficient, the FCC's decision needs to be revisited, and legislation will be necessary to ensure that the open internet remains open.

Section 254 and Digital Redlining

The FCC must open a new docket to address digital redlining. Speaking at the Newseum on April 26, 2017, Chairman Pai eloquently stated that redlining "fenc[es] off lower-income neighborhoods on the map and [says] 'It's not worth our time and money to deploy there.'" Footnote 1034 of the Declaratory Ruling suggests that without Section 706 as a source of authority, the FCC would still have the ability to address digital redlining using "other statutory provisions such as section 254." Section 254 is the Universal Service provision, which authorizes funding mechanisms for four FCC programs aimed at providing limited telephone or broadband service to the underserved. Section 254 has never been used to proscribe or prosecute redlining, and it may not reach non-common carriers that redline. MMTC and NABOB look forward to engaging with the FCC regarding whether, and how, Section 254 could empower the FCC to ban digital redlining based on race, income, or geography.

The Commission must work tenaciously with civil rights and diverse business advocates to ensure that:

- 1) blocking, throttling, and unfair discrimination do not destroy the neutral internet we all rely upon as a driver of equal opportunity and open discourse, and
- 2) digital redlining does not prevent minority or low-income communities from being served.

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About MMTC:

The Multicultural Media, Telecom and Internet Council (MMTC) is a non-partisan, national nonprofit organization dedicated to promoting and preserving equal opportunity and civil rights in the mass media, telecom and broadband industries, and closing the digital divide. MMTC is generally recognized as the nation's leading advocate for minority advancement in communications.

About NABOB:

NABOB is the only trade organization representing the interests of African-American owners of radio and television stations across the country. NABOB has two principal objectives: First, to increase the number of African-American owners

of telecommunications facilities, and second, to improve the business climate in which we operate. The overall objective is to maximize the potential for financial success through providing advocacy resources and information in critical business areas including, advertising sales, station acquisition, financing, and federal broadcast regulation.