

# THE NATIONAL OPERA CENTER AMERICA

## STATEMENT OF CONCERN NETWORK NEUTRALITY PRESERVING AN OPEN INTERNET

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### STATEMENT OF CONCERN

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**Congress should continue to support net neutrality, which preserves an open Internet where artists and creative entrepreneurs can reach potential audiences, build businesses, and contribute to culture.**

- The Internet must remain a place where users can learn, engage, express themselves, innovate, and be entrepreneurial. Working artists of all disciplines depend on the Internet to promote and sell their work, cultivate audiences, and make a living. Therefore, it is important that artists and arts organizations not be disadvantaged based on the business practices or other preferences of Internet Service Providers (ISPs).
- ISPs, must not be allowed to block, throttle, degrade, or otherwise discriminate against lawful online content. If such discrimination were allowed, smaller artists and creative entrepreneurs would find themselves at a disadvantage against larger commercial enterprises that are able to pay for premium delivery to end users.
- Network neutrality rules should not impair the ability of ISPs or the federal government to protect copyrighted content openly and transparently. Nor should such rules compromise users' privacy, inhibit competition from lawful actors, or stifle innovative business models that could benefit artists and consumers.
- Net neutrality principles should extend to those accessing the Internet from wireless or mobile devices, such as smart phones and tablet computers. Increasingly, arts organizations rely on mobile devices for their programs. For example, museums are creating specific tour apps for exhibitions.

We support responsive congressional efforts that preserve the Federal Communications Commission's (FCC) ability to preserve an open and accessible Internet while protecting copyrighted content. The viability of the arts and culture communities in the 21st century depends on our ability to compete on a level online playing field.

### BACKGROUND

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The open Internet has created unprecedented opportunities for artists, cultural organizations, and creative entrepreneurs to promote their work or to sell their creative products and services. Because of the Internet's level playing field, organizations and individuals can reach Internet users without having to ask permission from an ISP or pay an additional toll to deliver lawful content to ISP subscribers who have already requested it.

ISPs can exert immense control over how Internet users access sites and services. Without clear rules of the road, ISPs could potentially stifle speech that they find objectionable, discriminate against threatening business models, block certain Internet applications, slow delivery of online content, or compromise users' privacy.

In December 2010, the FCC approved its Open Internet Order to preserve “net neutrality”—the principle that allows any Internet user to access the lawful content or application of their choosing without interference from an ISP. These rules were made official in September 2011.

## **BACKGROUND (CONTINUED)**

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On January 14, 2014, the U.S. Court of Appeals for the D.C. Circuit overturned portions of the FCC’s Open Internet Order, but affirmed the FCC’s authority to regulate broadband networks. In response to the ruling, FCC Chairman Tom Wheeler stated the FCC is working to, “ensure that these networks on which the Internet depends continue to provide a free and open platform for innovation and expression, and operate in the interest of all Americans.”

Following a public proceeding at the FCC that saw more than 4 million individual comments filed—the vast majority in support of net neutrality—the FCC on February 26, 2015 voted on new net neutrality rules. The rules were again challenged in court and on December 4, 2015, the D.C. Circuit heard oral arguments on the merits of the new rules, and the decision was upheld on June 14, 2016.

Given the broad and bipartisan public support for net neutrality, Congress should monitor FCC activity and be prepared to take action to ensure that content creators and everyday users can continue to benefit from the open Internet and the innovations it inspires.