

## ***Resolution Regarding Citizen Access to Internet Content***

**WHEREAS**, In a "cable modem" Declaratory Ruling and Notice of Proposed Rulemaking released on March 15, 2002, the FCC declared that cable modem service is an information service, and it sought comment on whether the threat of blocking subscriber access to Internet content or services is sufficient to justify regulatory intervention; *and*

**WHEREAS**, The Commission proposes to regulate broadband access to the Internet using its Title I "ancillary jurisdiction" authority; *and*

**WHEREAS**, Customers using a telecommunications common carrier today have the ability to send and receive lawful information of their own design and choosing; *and*

**WHEREAS**, Title II of the Communications Act's prohibition against unreasonable discrimination has historically protected the rights of American citizens to transmit and receive information without change in its form or content; *and*

**WHEREAS**, Some citizens today use broadband services and facilities as their chief source of information and news, even to the point of replacing newspapers, and more may do so in the future; *and*

**WHEREAS**, Some citizens can get broadband service only through wireline telephone facilities, and others can get broadband service only through cable modems; *and*

**WHEREAS**, Providers of broadband services or facilities have the technical capability to create a "walled garden" or "fenced prairie," that is designed to attract customers to preferred content but that also could keep consumers from reaching content other than those of the providers' choosing; *and*

**WHEREAS**, It is conceivable that some providers of broadband services or facilities may have an incentive to restrict Internet access to favored news sources, and if they chose to do so, it could significantly harm free and open information exchange in the marketplace of ideas; *and*

**WHEREAS**, Although the issue of "open access" has been debated largely as a question of fairness among different kinds of broadband providers, the restriction of user access and its effect on informed citizenship is an issue of real significance to citizens; *now, therefore, be it*

**RESOLVED**, That the National Association of Regulatory Utility Commissioners (NARUC) convened in its 2002 Annual Convention in Chicago, Illinois, agrees that all Internet users, including broadband wireline and cable modem users should:

1. Have a right to access to the Internet that is unrestricted as to viewpoint and that is provided without unreasonable discrimination as to lawful choice of content (including software applications); *and*
2. Receive meaningful information regarding the technical limitations of their broadband service; *and be it further*

**RESOLVED**, That where a broadband facilities provider furnishes facilities on a nondiscriminatory basis to ISPs, including an affiliated ISP, nothing here prohibits the affiliated ISP from promoting or preferring particular content; *and be it further*

**RESOLVED**, That the NARUC General Counsel should include these guiding principles in NARUC comments filed in all relevant FCC broadband proceedings.

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*Sponsored by the Committee on Telecommunications*

*Recommended by the Board of Directors November 12, 2002*

*Adopted by the Committee of the Whole November 13, 2002*