



TO: Elizabeth Pauli, City Manager
FROM: William Fosbre, City Attorney, City Attorney’s Office
COPY: City Council and City Clerk
SUBJECT: Resolution – Requesting the Tacoma Public Utility Board to contractually require all internet service providers using Click! Network to abide by the Click! Network’s Open Internet Policy supporting net neutrality – December 19, 2017
DATE: December 14, 2017

SUMMARY:

Requesting the Tacoma Public Utility Board to contractually require all internet service providers using Click! Network to abide by the Click! Network’s Open Internet Policy supporting net neutrality.

COUNCIL SPONSORS:

Mayor Strickland and Council Members Campbell, Ibsen, and Mello

STRATEGIC POLICY PRIORITY:

- Ensure all Tacoma residents are valued and have access to resources to meet their needs.
- Foster a vibrant and diverse economy with good jobs for all Tacoma residents.

BACKGROUND:

The City of Tacoma, Department of Public Utilities, Light Division (d.b.a. “Tacoma Power”) owns a hybrid fiber–coaxial (“HFC”) communications network that delivers cable television, broadband internet, and other services within Tacoma Power’s service area through its Telecommunications Section, Click! Network (d.b.a. “Click! Network”). As a result of prior policy decisions, Tacoma Power provides wholesale broadband internet service to local Internet Service Provider (“ISP”) companies, which, in turn, retail the broadband internet service to end-use customers. Click! Network has adopted an Open Internet Policy supporting the principles of net neutrality; specifically, Click! Network does not: (1) discriminate among specific uses, or class of uses, on its network; (2) impair, degrade, or delay VoIP applications or services that compete with its video services or services of its affiliates; (3) impair, degrade, delay or otherwise inhibit access by customers to lawful content, applications, services, or non-harmful devices; (4) impair free expression by slowing traffic from certain websites; (5) demand pay-for-priority or similar arrangements that directly or indirectly favor certain traffic over other traffic; (6) prioritize its own applications, services, or devices or those of its affiliates; or (7) block lawful content, applications, services, or non-harmful devices, subject to reasonable network management as defined below and in its Acceptable Use Policy.

The United States Federal Communications Commission (“FCC”) has repealed existing federal regulations requiring ISPs to abide by net neutrality principles. The City Council fully supports the Click! Network’s Open Internet Policy and wants to ensure that all ISPs using Click! Network are contractually bound to abide by the Click! Network Open Internet Policy to ensure that Click! Network users are not adversely impacted by any actions taken by the FCC.

ISSUE:

The United States Federal Communications Commission (“FCC”) has repealed existing federal regulations requiring ISPs to abide by net neutrality principles. The City Council fully supports the Click! Network’s Open Internet Policy and wants to ensure that all ISPs using the Click! Network are contractually bound to abide by the Click! Network’s Open Internet Policy to ensure that Click! Network users are not adversely impacted by the actions taken by the FCC.



ALTERNATIVES:

Request the ISPs to voluntarily abide by the Click! Network's Open Access Policy.

RECOMMENDATION:

The Council sponsors believe requesting Tacoma Public Utility Board to impose a contractual condition on all ISPs is the only effective way to ensure the customers of Click! Network will continue to receive the benefits of net neutrality.

FISCAL IMPACT:

There is no fiscal impact.