

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Restoring Internet Freedom) WC Docket No. 17-108
)

Comments of the Writers Guild of America, East, AFL-CIO

The Writers Guild of America, East, AFL-CIO (the “WGAE”) submits these comments in response to the Declaratory Ruling, Report and Order, and Order in the above-captioned matter.

The WGAE represents thousands of members who write for film, television, radio, and digital media. Our members work for the major television and radio networks and stations and for public television, where they write, produce, edit, and create graphics for news and public affairs programs. Their material is broadcast over the airwaves, distributed on cable television, and distributed on the Internet.

Perhaps it is not surprising that the question of who rules access to the digital highway system has become so sharply politicized. Online computer and mobile access to viewers and readers, to consumers and voters, to business users and families, is perhaps the most contested terrain in the modern economy and political system. Ensuring that all comers are treated the same, regardless of the content of their views or the depths of their pockets, is the hallmark of rational policy. It is the basis of the Commission’s current net neutrality rules, rules which are viable and enforceable only under Title II, as the appellate courts have made crystal clear.

It is bewildering to read the assertion that the Commission's net neutrality orders have stifled innovation. Net neutrality has been the effective law of the land for nearly a decade (Companies complied even as various iterations were reviewed by the federal courts; the only meaningful change in 2015 was reliance on Title II as a jurisdictional predicate.) During this period of supposedly heavy-handed, anti-competitive, officious meddling, we have witnessed an explosion of growth and productivity, and the invention and adoption of an unprecedented array of business and creative models that offer the American people an astonishing array of options and opportunities to read, to watch, to be entertained and informed. Ten years ago people mostly watched linear television, over the airwaves and on wires provided by cable companies. Now people can watch broadcast and cable television "live" or time-delayed on convenient box-top DVR boxes. They can watch programs streamed over wires provided by cable companies or telecommunications companies. They can select from dozens of subscription services that offer thousands of programs on demand. They can do this on their television sets, their desktop or laptop computers, or their smart phones or other mobile devices. There is more scripted programming available today than at any previous point in U.S. history, and news and other nonfiction material have also proliferated. The major content creation entities (studios and networks, in particular) rake in record-breaking profits, as do the Internet Service Providers and massive tech giants like Google and Amazon. If anything, the Commission should be crafting policies to reduce the power of this massive gatekeepers, rather than freeing them to exercise their power to dominate the Internet.

What exactly is it that is so broken that the Commission needs to fix? The age of net neutrality is also the age of maximum innovation, opportunity, and revenue. Other than perhaps a desire to appease one small segment of this large media and technology ecosystem (that is, the

telecommunications giants), the current Commission's rush to destroy net neutrality seems to serve no rational purpose at all.

It is precisely the principles of net neutrality, including no-blocking and non-discrimination rules and restrictions on fast-lane pricing and preferences, that have served to restrain the enormously powerful and profitable media, telecommunications, and technology giants that would otherwise rule the Internet. Enforceable rules that preclude these vast enterprises from stifling their competitors are what has fostered the explosion of innovation and opportunity that characterizes the current period.

For these reasons the WGAE urges the Commission to rescind the Declaratory Ruling, Report and Order, and Order, and to leave the existing rules governing an open internet in place in their entirety.

FCC comments – end of net neutrality