



June 19, 2017

ATTORNEY GENERAL MADIGAN: DON'T GUT BROADBAND CONSUMER PROTECTIONS***Madigan & Attorneys General Oppose Industry Petition Intended to Stop States from Enforcing False Advertising Laws on Internet Speeds***

Chicago — Attorney General Lisa Madigan today joined a broad coalition of 35 attorneys general to oppose a cable and telecommunications industry petition to the Federal Communications Commission (FCC) intended in part to stop states from enforcing state false advertising laws related to internet speeds.

In a comment submitted to the FCC late Friday, Madigan and the attorneys general underscored the long-standing central role of state attorneys general in protecting broadband consumers. As the comment makes clear, the industry is seeking a ruling that exceeds the authority of the FCC, is procedurally improper, and would upend the longstanding dual federal-state regulation of deceptive practices in the telecommunications industry. As a result, consumers would be left without the basic state protections from unfair and deceptive business practices that help ensure they are receiving the internet speeds for which they're paying.

"As the chief law enforcement officers of our respective states, we understand the vital importance of protecting consumers against unfair and deceptive business practices—including those of broadband providers. Like others providing goods and services to consumers in our states, providers of broadband Internet service must be truthful in their advertisements. Broadband access is an essential aspect of our constituents' work, life and play. The states' traditional consumer protection powers must be left undisturbed to protect consumers from false and misleading claims by broadband providers regarding the provision of services that are an essential part of 21st century life throughout the United States," the Attorneys General wrote in their comment to the FCC.

[Click here to read the full comment submitted by the Attorneys General.](#)

The industry's petition was submitted on May 15, 2017 by two trade associations representing fixed and wireless broadband companies (US Telecom and NCTA – The Internet & Television Association). The petition seeks to enlist the FCC in improperly gutting state and federal requirements that bar deceptive advertising of internet speeds. Specifically, it asks the FCC to convert a limited safe harbor from FCC's enforcement, into blanket immunity for fixed and wireless broadband companies from federal and state liability for false statements in advertisements and marketing.

In their comment, the attorneys general detail several improper aspects of the industry petition, including that the FCC lacks the authority to displace longstanding state consumer protection enforcement. Just this past April, in fact, a federal court in New York ruled that "Congress did not intend for the [Federal Communications Act] to be the exclusive remedy for redressing false advertising and consumer protection claims against common carriers." (*People of the State of New York v. Charter, et al.*, No. 17-cv-01428-CM, 2017 WL 1755958). The court further held that "there is no indication" that the "FCC intended to preempt state-law claims" involving internet speeds.

Joining the comment with Madigan were attorneys general from: Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, New Mexico, New York, Nevada, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Washington, West Virginia, and Wisconsin.

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