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**TESTIMONY ON PROPOSED DOA DIVISION OF PURCHASES RULES
ON NET NEUTRALITY AND STATE PROCUREMENT
July 5, 2018**

The ACLU of Rhode Island appreciates the opportunity to offer comments on the Department of Administration's proposed regulations addressing Governor Raimondo's executive order addressing state contracts and net neutrality.

We wish to offer only two minor technical amendments to the proposal:

1. On 1.9(D), we suggest revising the second sentence to read as follows:

The term broadband internet access service also includes, but is not limited to, any service that the Federal Communications Commission determines to be providing a functional equivalent of the service described in the preceding sentence or which is used to evade the protections set forth in this regulation.

Comment: The goal of this minor amendment is merely to make very clear that any FCC determinations are *supplementary* to the Department's determinations. This will avoid any possible pre-emption arguments and further recognizes that the current FCC is unlikely to be helpful in any event in this regard.

2. We would suggest revising the first sentence of 1.9(G) as follows:

Waivers to the within internet neutrality principles may be granted by the Director of Administration/Chief Purchasing Officer if the specific practice is in the public interest, promotes public safety, or is not otherwise inconsistent with the purpose of this Order, and only upon written request from a State agency director.

Comment: This clarifying amendment would simply make the provision consistent with the language in section 1.9(B)(3) and as expressed in the executive order.

We appreciate your attention to our views, and trust that you will give them your careful consideration. If the suggestions we have made are not adopted, we request that, pursuant to R.I.G.L. §42-35-2.6, you provide us with a statement of the reasons for not accepting these arguments.

Submitted by: Steven Brown, Executive Director