



## MARYLAND GENERAL ASSEMBLY

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### **Maryland Attorney General Clears Up Misconceptions From HB 1069 Hearing**

An opinion from the Attorney General letter clears up legal misconceptions regarding HB 1069; Del. Herman Taylor's Internet Freedom Bill, Taylor said Wednesday. The Economic Matters Committee held a hearing on Feb., 27, and opponents of the bill asserted that this legislation would be preempted by Federal law.

"I am glad this opinion is able to clear up a lot of the confusion about this bill. Hopefully now the committee will do the right thing and allow this important piece of legislation to pass on to the House Floor for consideration," Taylor said.

Part of the contested language was the substantive portion of the bill requiring that broadband providers provide a report to the Maryland Public Service Commission detailing broadband availability.

The Feb. 27 letter states that the reporting requirement would place no restrictions on broadband internet services in the market, "No provision of federal law or FCC regulation either specifically bars such a requirement or sets out any requirement or policy that information collection would necessarily impede." The letter further remarks that, "the public availability of such information could arguably advance competition."

In addition, the letter said the way is clear legally for the legislation to enact a policy recommendation that companies offering high-speed Internet service do so without discriminating among different content providers. The policy recommendation is contained in a "finding" in the bill. The Attorney General's letter stated that "a 'finding' of the General Assembly would impose no substantive requirement." The letter was sent in reply to an inquiry from Del. Mary Ann Love (D-Anne Arundel), who asked about the legal status if the finding had "substantive effect."

"I was pleased to see in the Attorney General's opinion that because my bill is limited to a policy recommendation that there are no Federal barriers to its adoption," Taylor said.

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