

**Senate Judiciary Committee Hearing On
Why Net Neutrality Matters: Protecting Consumers and Competition Through Meaningful Open
Internet Rules
September 17, 2014
Questions for the Record from Senator Patrick Leahy**

Question for Ruth Livier

1. Opponents of FCC action to create new rules that protect consumers and promote an open Internet argue that the antitrust laws are sufficient to achieve these goals. As an independent producer and writer, do you agree that antitrust laws would adequately protect your content online? Would you be able to afford to bring a claim under these laws if you felt you had been harmed by a broadband provider?

As an independent artist, antitrust laws would not be sufficient since, should I need to protect myself, I would lack the resources to do so. As a writer/producer/actress and student, I have to juggle different roles to make ends meet so I would not be able to either afford to bring a claim under these laws, if I felt I was being harmed by a broadband provider, nor would I have the time to focus on even preparing for the claim while at the same time continuing to create content and trying to make a living wage.

Further, antitrust law is narrowly focused and would provide uncertain outcomes. Antitrust law is focused narrowly on competition and requires a broad understanding of complex economic issues and antitrust law. It is, at once, too narrow to confront all harms that I could potentially face at the hands of Internet service providers, and too complex to offer any certainty or realistic hope of redress to individuals in my field.

The only way to protect and encourage the creation of diverse, independent content online, and to ensure that artists can make a living creating such content, is for the FCC to create strong rules that prohibit practices like blocking, unreasonable discrimination, and paid prioritization online. These types of harmful practices would jeopardize my opportunity for artistic expression and my livelihood. The FCC can only create these types of rules if it classifies Internet access services as a Title II common carrier service.