

**MOTION** RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

On August 21, 2018, media outlets reported that the mobile device users at the Santa Clara County Fire Department were being "throttled" or had their mobile data devices slowed to speeds 1/200 of the normal data rate by the carrier Verizon, while in the middle of fighting the devastating wildfires in Northern California.

This throttling practice is commonplace among cell phone data plans when a user has exceeded a certain threshold of data use in a particular billing period.

While cell carriers have dismissed concerns about throttling practices in their public filings about net neutrality and statements to the media about the reasonableness of their sales practices or rate price disclosures, the fact is that this obscure detail of cell phone billing practices has real world implications when mobile data is used for critical public safety services, like firefighting.

The carrier in the Santa Clara case announced that they will be changing their billing practices, stating that, "...in the event of another disaster, Verizon will lift restrictions on public safety customers, providing full network access." However, this accommodation doesn't reflect the complexity of an emergency situation and the needs of the public in a disaster: what about the thousands of people who may be turning to their phones for evacuation orders who may be similarly, artificially throttled as a result of carrier plan design who may be unable to access life-saving information about a disaster?

I THEREFORE MOVE that the Council REQUEST that representatives from the four major mobile data carriers, AT&T Wireless, Sprint, T-Mobile and Verizon, make their staff experts on billing and throttling available to explain their practices as it relates to disaster situations.

I FURTHERMOVE that the Council REQUEST that the City Attorney's office draft and file an Amicus Curiae brief in the litigation to restore strict net neutrality rules, including a no-throttling rule.

Presented by: Paul Kerkorian  
PAUL KREKORIAN  
Councilmember, 2<sup>nd</sup> District

[Signature]  
AUG 24 2018

Seconded by: [Signature]  
[Signature]

ORIGINAL