

An investigation revealing the FCC's flawed public comment process could foreshadow a problem for 230 reform

Article

An **investigation** from the New York State Attorney General found nearly 82% of the 22 million public comments filed about net neutrality repeals in 2017 were fake, with millions of phony comments originating from an **astroturfing** campaign funded by the broadband industry. The broadband industry reportedly spent \$4.2 million—through a group called Broadband for America—to submit more than 8.5 million fake comments to manufacture support for the repeal of neutrality rules. Another 7.7 million comments reportedly originated from a college student who used software to generate fabricated names and addresses in support of net neutrality. For context, unlike other regulatory bodies, the FCC is required to **seek** out public comments and to consider them when developing final rules.

Without an informed and engaged public, the public comment process risks presenting a vacuum to be filled by private interests. There's ample evidence to suggest the general public lacks the information to offer meaningful input on certain areas of technology and policy. This was true of net neutrality: A 2019 **Pew poll** showed only 45% of US adults could accurately identify net neutrality principles. In the absence of an informed public, the FCC's public comment system becomes susceptible to manipulation. Firms have repeatedly used fake user submissions and other similar astroturfing tactics to influence proceedings at the EPA and hundreds of other advocacy campaigns, **per** TechCrunch.

Looking ahead, the FCC will need to address the flaws in its public comment process before soliciting input on potential Section 230 reforms. Like net neutrality **before**, many Big Tech leaders have **signaled** support for reforming **Section 230** of the Communications Decency Act. The FCC will seek public comments here as well, and could face a similar problem regarding public awareness: A 2020 Accountable Tech **poll** showed 81% of registered voters said they were either not very (20%) or not at all familiar (61%) with Section 230. In order to avoid the types of interference witnessed in the net neutrality debate, Big Tech and other firms supportive of 230 reforms should seek to educate and engage the public as well as advocate for improvements to the FCC's public comment process.

US Adults' Test Results on Understanding* Select Digital Topics, June 2019

% of population

Phishing scams can occur on social media, websites, email or text messages



Cookies allow websites to track user visits and site activity



Advertising is largest source of revenue for most social media platforms



Privacy policies are contracts between websites and users about how those sites will use their data



Net neutrality describes principle that internet service providers should treat all traffic on their networks equally



"https://" in a URL means that information entered into the site is encrypted



WhatsApp and Instagram are both owned by Facebook



Can identify example of true two-factor authentication (set of images)



Private browsing mode only prevents someone using the same computer from seeing one's online activities



Can correctly identify picture of Jack Dorsey



■ Correct ■ Incorrect ■ Not sure

*Note: ages 18+; numbers may not add up to 100% due to rounding; nonresponses omitted; *respondents were asked questions in a test format about technology and digital media; responses reflect those who answered the question incorrectly, correctly and who weren't sure of the answer*

Source: Pew Research Center, "Americans and Digital Knowledge," Oct 9, 2019

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