

STATE OF VERMONT
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER NO. 2-18

[Internet Neutrality in State Procurement]

WHEREAS, Vermonters rely on open and unrestricted access to the value and economic opportunity the Internet offers; and

WHEREAS, Vermont's educational institutions require a free and open Internet to educate students, promote social and intellectual growth, and to prepare them to succeed in the global economy; and

WHEREAS, Vermont's school students rely on a free and open Internet to take full advantage of the vast amount of information, services, and communications opportunities available through online sources, and to develop into well-rounded citizens engaged in the world beyond their geographic limits; and

WHEREAS, Vermont State employees use the Internet every day to serve citizens and conduct the business of the State; and

WHEREAS, throttling or paid prioritization of Internet services could adversely impact these institutions and the economic and social advancement of, and work for Vermonters; and

WHEREAS, many important and often critical government services are offered online to facilitate easy and efficient access by Vermonters, and throttling or paid prioritization of Internet services could limit Vermonters' ready access to these services and inhibit citizens, particularly those in need, from accessing important government services; and

WHEREAS, the Federal Communications Commission (FCC) recently issued its order, "*Restoring Internet Freedom*" which eliminated net neutrality principles; and

WHEREAS, this Administration bears the ongoing responsibility of ensuring the efficient procurement of goods and services for State entities, and the principles of net neutrality are inherently tied to the provision of reliable, high-quality broadband Internet service for the State.

NOW THEREFORE, BE IT RESOLVED, that I, Philip B. Scott, by virtue of the authority vested in me as Governor, do hereby issue the following directive to all State Agencies, as follows:

- I. All State Agency contracts with Internet service providers shall include net neutrality protections, and specifically state that Internet service providers shall not:
 - A. Block lawful content, applications, services, or nonharmful devices, subject to reasonable network management that is disclosed to its customers;

- B. Throttle, impair or degrade lawful Internet traffic on the basis of Internet content, application, or service, or use of a nonharmful device, subject to reasonable network management that is disclosed to its customers;
- C. Engage in paid prioritization or providing preferential treatment of some Internet traffic to any Internet customer;
- D. Unreasonably interfere with or unreasonably disadvantage either:
 - i. A customer's ability to select, access, and use broadband Internet access service or the lawful Internet content, applications, services, or devices of their choice; or
 - ii. An edge providers' ability to make lawful content, applications, services, or devices available to a customer;

“State Agency” as used in this Executive Order shall include all State agencies, departments, commissions, committees, authorities, divisions, boards or other administrative units of the Executive Branch, including elected offices as well as those having express statutory authority to enter into contracts (Agencies).

- II. As soon as practicable, but in no event later than April 1, 2018, the Agency of Administration shall amend the State's Procurement and Contracting Procedures as necessary and appropriate to comply with this directive.
- III. Waivers to these Procedures may be granted by the Secretary only upon receipt of a written justification from a State Agency and a finding by the Secretary a waiver would serve a legitimate and significant interest of the State. The Department of Public Service shall resolve any dispute over the definition of terminology used in this Executive Order.
- IV. Each State Agency that procures telecommunications services shall cooperate with the Agency of Administration and the Department of Buildings and General Services in implementing this Executive Order. State Agencies must receive approval from the Agency of Digital Services and the Secretary of Administration before procuring Internet services, including cellular data and/or wireless broadband Internet services.
- V. The Department of Public Service, in consultation with the Secretary of ADS, shall evaluate and advise the Governor on potential actions to promote net neutrality in order to protect Vermonters' access to a free and open internet. This may include requiring Internet service providers to provide notice to their customers regarding network and transport management practices and performance and commercial terms of their broadband Internet access services sufficient for (A) consumers to make informed choices regarding use of such services and for content, application, service, and (B) device providers to develop, market, and maintain Internet offerings.
- VI. Nothing in this Order shall be construed to supersede any federal law.

VII. This Executive Order shall take effect upon signing.



WITNESS my name hereunto subscribed
and the Great Seal of the State of Vermont
hereunto affixed at Montpelier this __ day of
February, 2018.

A handwritten signature in black ink, appearing to read "Philip B. Scott", written over a horizontal line.

Philip B. Scott
Governor

By the Governor:

A handwritten signature in black ink, appearing to read "Brittney L. Wilson", written over a horizontal line.

Brittney L. Wilson
Secretary of Civil and Military Affairs

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