

# **FCC Open Internet Order**

RIPE 70 - May 2015

disclaimer - any views expressed are entirely mine alone

# Timeline

- 2005 - FCC adopts [Internet Policy Statement](#)
  - Guarantees users the freedom to use their internet connections to access any content, use any applications, and attach any devices, that they choose.
- 2007 - Comcast blocks Bittorrent, FCC tells Comcast to stop, Comcast does so but appeals
- 2010 - In [Comcast Corp. vs FCC](#), FCC told that it did not have jurisdiction over Comcast's network management policies
- 2010 - FCC pass "[Open Internet Order 2010](#)"
  - Broadband ISPs told: "no blocking"/"no unreasonable discrimination"/"more transparency around network management practices"
- January 2014 - Open Internet Order (mostly) struck down in [Verizon case](#)
  - FCC told did not have authority to impose "no blocking"/"no unreasonable discrimination" rules unless ISPs were regulated as telco "common carriers" (what is called "Title II")
- February 2014 - FCC says will not appeal ruling, but will develop new rules
- May - September 2014 - Public comment period on what FCC should do
  - FCC receives ~4m responses (over a million after [John Oliver's](#) skit)
- March 2015 - FCC releases [new Open Internet rules](#)

# 2015 FCC Open Internet Order

not “network neutrality”!

Covers both *wired* and *wireless* broadband ISPs providing services to consumers in the USA:

- **No Blocking**
  - of legal content/applications/services/devices
- **No Throttling**
  - of lawful Internet traffic
- **No Paid Prioritization** within an operator’s network
  - no “fast lanes” on public Internet
- Increased transparency
  - of charges, data caps, network performance and traffic management
- Case-by-case review of other actions that “unreasonably interfere with or unreasonably disadvantage” access to lawful services
- Authority to hear interconnection (peering) complaints and take enforcement action
- “Reasonable network traffic management” permitted, as long as it’s neutral to content, and transparent to users

Classifies broadband Internet service as a telecoms service under “Title II” to provide legal foundation for above rules.

# FUD vs Fact

- there will be not be an “[Internet Tax](#)”
- broadband prices will not be regulated
- ISP investment will still happen
- peering will not be (*ex-ante*) regulated or controlled
  - ISPs' interconnection terms should be “just and reasonable”

Possibly unclear as to the effect on:

- zero-rating in general (e.g. “unlimited Spotify with your data plan”)
- paid zero-rating deals (e.g., AT&T’s “[Sponsored Data](#)”)

# Legal Challenges against 2015 Order

7 pending lawsuits:

- USTelecom, ACA, NCTA, CTIA, AT&T, Centurylink and Alamo Broadband

Republican attempts in Congress to prevent bringing Order into force

7th May: Petition to stay implementation of Title II and general “Internet conduct” standards (but not three “bright line” rules) rejected by FCC

# Open Questions...

- Legal challenges will continue - will they ultimately succeed (again)?
- How will the rules be interpreted and enforced?
  - What data does the FCC need to make good decisions?
- Will other countries use FCC rules as a model?

thank you - q&a