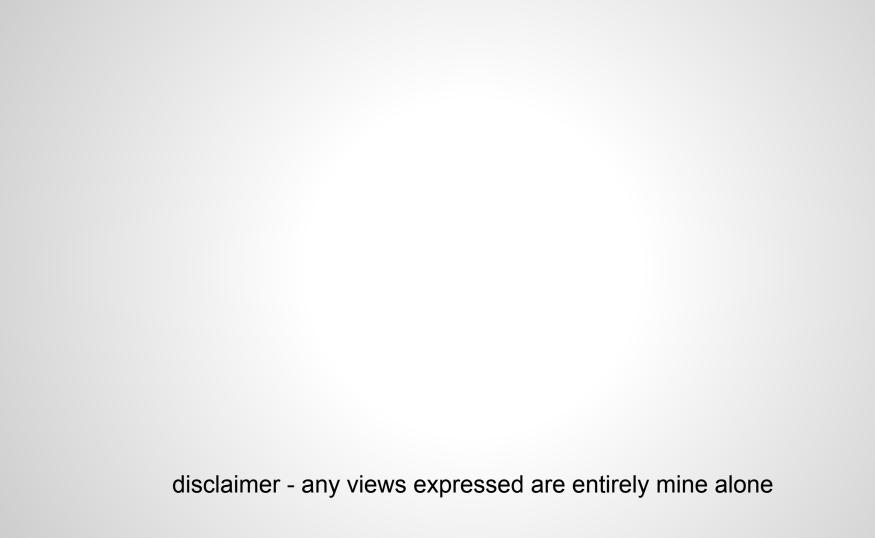
FCC Open Internet Order

RIPE 70 - May 2015



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 <u>Comcast Corp. vs FCC</u>, 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 <u>Verizon case</u>
 - 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 <u>John Oliver</u>'s skit)
- March 2015 FCC releases <u>new Open Internet rules</u>

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
 - o no "fast lanes" on public Internet
- Increased transparency
 - o 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 <u>"Sponsored Data"</u>)

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?