

What Happens Next with Net Neutrality?

Prepared by the Office of FCC Commissioner Clyburn
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On December 14, 2017, the Federal Communications Commission (FCC) voted 3-2 to dismantle the agency's 2015 net neutrality rules. As a long-standing champion of net neutrality and one of the two FCC Commissioners who vociferously objected to last week's decision, Commissioner Clyburn believes it is important for consumers and small businesses to understand what happens next.

What protections will I lose online as a result of the FCC majority's repeal of net neutrality?

- Once the FCC's net neutrality repeal action goes into effect, broadband providers will be allowed to:
 - Block lawful content.
 - Throttle (slow down) lawful content.
 - Engage in paid prioritization (i.e. favor content of companies who can afford to pay).
 - Unreasonably interfere with the ability of consumers and content providers to reach one another.
 - Engage in unreasonable interconnection practices.
- Previously, broadband providers were prohibited from engaging in all of the above practices and were also required to:
 - Provide robust transparency to consumers about the service they receive.
 - Not use other services to evade net neutrality requirements.
 - Comply with statutory directives regarding privacy, universal service, infrastructure deployment, disability access.

Which protections will exist after the FCC's repeal of net neutrality goes into effect?

- Broadband providers will only be required to provide limited transparency to consumers about the service they receive.

What does net neutrality's repeal mean for my freedom on the internet?

- It means that your broadband provider is in control of your online experience. You will have fewer protections online.
- This does not mean you will immediately see anti-consumer practices, but as the outrage and awareness fade, you will likely see providers roll out plans and features that are inconsistent with net neutrality.

When does the FCC's net neutrality repeal happen?

- Probably not for several months. This order specifies that the repeal will not happen until the FCC gets approval for the revised transparency rules from the Office of Management and Budget.

When can parties sue the FCC if they disagree with the net neutrality repeal?

- Parties may do so after the text is published in the Federal Register, which is likely a matter of days or weeks at the most.

When can Congress act to reverse the FCC's net neutrality repeal?

- After the text is both published in the Federal Register and submitted to Congress, there is a limited period of time (60 session days) for them to introduce a resolution of disapproval, under the Congressional Review Act.
- Several members of the U.S. Senate and House of Representatives have already said they intend to introduce a resolution of disapproval.

What options are there for individuals or businesses that cannot or do not plan to sue the FCC?

- Everyone can continue to make their voices heard in and around every “hall of power” when it comes to their opinions about net neutrality. Educate your friends and family about why robust net neutrality protections are necessary to prevent broadband providers from engaging in anti-consumer practices.
- Reminder: the FCC does not have the final word. “We the People” do.