

**STATEMENT OF
CHAIRMAN TOM WHEELER**

Re: *Protecting and Promoting the Open Internet*, GN Docket No. 14-28.

For over a decade, the Commission has endeavored to protect and promote the open Internet. FCC Chairs and Commissioners, Republican and Democrat alike, have embraced the importance of the open Internet, and the need to protect and promote that openness. Today is the culmination of that effort, as we adopt the strongest possible open Internet protections.

Last May, the Commission proposed a set of open Internet protections and, at the same time, asked an extensive series of questions about that proposal and about alternative approaches for protecting the open Internet. We asked about the benefits and drawbacks of different approaches, different rule formulations, and different legal theories. We asked the public to weigh in, and they responded like never before.

We heard from startups and world-leading tech companies. We heard from ISPs, large and small. We heard from public-interest groups and public-policy think tanks. We heard from Members of Congress, and, yes, the President. Most important, we heard from nearly 4 million Americans who overwhelmingly spoke up in favor of preserving a free and open Internet.

We listened. We learned. And we adjusted our approach based on the public record. In the process we saw a graphic example of why open and unfettered communications are essential to freedom of expression in the 21st century.

I am incredibly proud of the process the Commission has run in developing today's historic open Internet protections. I say that not just as the head of this agency, but as a U.S. citizen. Today's Open Internet Order is a shining example of American democracy at work.

It should not be surprising the public engaged like never before, because the stakes of the debate before the Commission have never been higher.

Broadband networks are the most powerful and pervasive connectivity in history. Broadband is reshaping our economy and recasting the patterns of our lives. Every day, we rely on high-speed connectivity to do our jobs, access entertainment, keep up with the news, express our views, and stay in touch with friends and family.

There are three simple keys to our broadband future. Broadband networks must be fast. Broadband networks must be fair. Broadband networks must be open.

We know from the history of previous networks that both human nature and economic opportunism act to encourage network owners to become gatekeepers that prioritize their interests above the interests of their users. As the D.C. Circuit observed in the Verizon decision and as the public record affirms, broadband providers have both the economic incentive and the technological capability to abuse their gatekeeper position.

Our challenge is to achieve two equally important goals: ensure incentives for private investment in broadband infrastructure so the U.S. has world-leading networks and ensure that those networks are fast, fair, and open for all Americans.

The Open Internet Order achieves those goals, giving consumers, innovators, and entrepreneurs the

protections they deserve, while providing certainty for broadband providers and the online marketplace.

The Open Internet Order reclassifies broadband Internet access as a “telecommunications service” under Title II of the Communications Act while simultaneously foregoing utility-style, burdensome regulation that would harm investment. This modernized Title II will ensure the FCC can rely on the strongest legal foundation to preserve and protect an open Internet.

Allow me to emphasize that word “modernized.” We have heard endless repetition of the talking point that “Title II is old-style, 1930’s monopoly regulation.” It’s a good sound bite, but it is misleading when used to describe the modernized version of Title II in this Order.

Today’s Order will also use the significant powers in Section 706, not as a substitute but as a complement. This one-two punch applies both Title II, as well as Section 706, to protect broadband Internet access. It is the FCC using all of the tools in its toolbox to protect innovators and consumers.

Building on this strong legal foundation, the Open Internet Order will:

- Ban Paid Prioritization: “Fast lanes” will not divide the Internet into “haves” and “have-nots.”
- Ban Blocking: Consumers must get what they pay for – unfettered access to any lawful content on the Internet.
- Ban Throttling: Degrading access to legal content and services can have the same effect as blocking and will not be permitted.

These enforceable, bright-line rules assure the rights of Internet users to go where they want, when they want, and the rights of innovators to introduce new products without asking anyone’s permission.

The Order also includes a general conduct rule that can be used to stop new and novel threats to the Internet. That means there will be basic ground rules and a referee on the field to enforce them. If an action hurts consumers, competition, or innovation, the FCC will have the authority to throw the flag.

Under the Order we adopt today, open Internet protections would – for the first time – apply equally to both fixed and mobile networks. Mobile wireless networks account for 55 percent of Internet usage. We cannot have two sets of Internet protections – one fixed and one mobile – when the difference is increasingly anachronistic to consumers.

Today’s Order also asserts jurisdiction over interconnection. The core principle is the Internet must remain open. We will protect this on the last mile and at the point of interconnection.

We also ensure that network operators continue to have the incentives they need to invest in their networks. Let me be clear, the FCC will not impose “utility style” regulation. We forbear from sections of Title II that pose a meaningful threat to network investment, and over 700 provisions of the FCC’s rules. That means no rate regulation, no filing of tariffs, and no network unbundling. During the 22 years that wireless voice has been regulated under a light-touch Title II like we propose today, there has never been concern about the ability of wireless companies to price competitively, flexibly, or quickly, or their ability to achieve a return on their investment.

The American people reasonably expect and deserve an Internet that is fast, fair, and open. Today they get what they deserve: strong, enforceable rules that will ensure the Internet remains open, now and in the future.