

**REMARKS OF FCC COMMISSIONER BRENDAN CARR
AT “THE FUTURE OF INTERNET FREEDOM” SYMPOSIUM**

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Thank you to the Lincoln Network and the R Street Institute for hosting this event and for inviting me to speak with you today.

This is a great moment for consumers, for innovation, and for freedom. Last week, as you know, FCC Chairman Pai circulated a proposed order that will restore Internet freedom by reversing the Obama-era FCC’s unprecedented decision to apply Title II regulations to the Internet. Reversing this 2015 decision—this massive regulatory overreach—has my full support.

Prior to the FCC’s 2015 decision, consumers and innovators alike benefited from a free and open Internet. This was not because the government imposed heavy-handed, utility-style regulation. This was not because the FCC had a rule in place that purported to regulate “Internet conduct.” The FCC did none of that.

Instead, through Republican and Democratic administrations alike—including through the first six years of the Obama Administration—the FCC abided by a 20-year, bipartisan consensus that the government should not control or heavily regulate Internet access. The Internet flourished under this framework. The private sector invested over \$1.5 trillion in broadband networks and every part of the Internet economy benefited—from consumers, to innovators, to businesses of every size. Title II did not build that. Title II did not create the open Internet. And Title II is not the way to maintain it. To the contrary, the FCC’s Title I framework supported our country’s Internet success story.

After a two-year detour, it is great to see the FCC returning to this proven regulatory approach.

Now, there is no question that the debate over the future of Internet freedom has generated significant public attention, as it should. Yet, as you survey some of the news coverage out there, you will no doubt see some scaremongering and a babel of misinformation. No, that “Portuguese Internet” meme is not true. No, the FCC is not changing the legality of bundled offerings or curated Internet services. And, no, the FCC’s Title II rules were not the key to Justin Bieber being discovered online. The Biebs also flourished well before the FCC’s 2015 decision.

These fear tactics, such as they are, are no match for the facts. Or to paraphrase Mark Twain, rumors of the Internet’s demise are greatly exaggerated.

Here’s the reality. The FCC will be voting to reverse a two-year old decision and return to the same regulatory environment that governed the Internet in 2015 and for the 20 years that preceded it. Does anyone remember living in the Internet dark ages of 2015? Do you recall two years ago when you were unable to go online to post, to stream, to learn, to rally, to innovate, or to connect? Of course not. And that’s the point.

We know from our own experience that the Title I regulatory approach works. And we now know from our own experience that Title II does not. As the proposed order explains, Title II has imposed significant costs. We've seen broadband deployment projects that could have brought new services to consumers put on hold. We've seen investment in broadband networks decline. And we've seen providers delay the introduction of innovative new offerings. Reversing this failed experiment with heavy-handed regulation will put a tried and true framework back in place and will power the deployment, investment, and innovation that will benefit American consumers for decades to come.

At the same time, by returning to the Title I framework, the FCC is not relying on market forces or competition alone. The plan includes robust consumer protections. I will highlight just a few of them today.

First, when the FCC applied Title II regulations to the Internet in 2015, that decision divested the Federal Trade Commission of 100% of its authority to protect consumers from any unfair or deceptive practice by an ISP. Reversing the FCC's Title II decision will restore the authority of the FTC, the nation's leading consumer protection agency. This will provide consumers with important safeguards that they do not have today.

Second, the FTC, which is also the country's expert privacy enforcement agency, will once again be empowered to protect the personal information of broadband consumers. Since the FCC's Title II decision, the FTC has been prohibited from taking any action regarding the privacy or data security practices of ISPs. Reversing Title II will put the FTC back on the side of consumers, rather than on the sidelines.

Third, federal antitrust laws will prevent ISPs from reaching agreements to unfairly block, throttle, or discriminate against Internet content or traffic. And those laws will also make it illegal for a vertically integrated ISP to anticompetitively favor its content or services over that of an unaffiliated business.

Fourth, state consumer protection laws will continue to provide safeguards against unfair ISP business practices, and state attorneys general will have the authority to bring legal actions to enforce consumers' rights. Indeed, the FCC's proposed order contemplates that these authorities will continue to play their vital role in protecting consumers within the framework of the order.

The FCC's proposed order discusses additional consumer protections. You can read about them for yourself because, in a break from the last administration, the document was made available to the public more than three weeks before the FCC vote. In 2015, the public did not get to see the Title II decision until two weeks after the agency voted. So I encourage everyone to take the time to read it.

Before I wrap up, I want to look back to 2015 one more time. In October of that year, long before I became a Commissioner, I gave a speech at another telecom conference where I talked about the FCC's Title II decision. I closed that speech by saying this:

I am optimistic that the U.S. will return to the successful, light-touch approach to the Internet that spurred massive investments in our broadband infrastructure. Efforts are underway in both the courts and Congress to reverse the FCC's decision. And following next year's

presidential election, the composition of the FCC could be substantially different than it is today.¹

Now, two years ago I certainly did not imagine that I would be part of the FCC's new composition. But I am very grateful for the opportunity to serve. And I am grateful that my optimism back then has proven to be well-founded. I look forward to casting my vote on December 14th in favor of Internet freedom.

Thank you.

¹ Remarks of Brendan Carr at New Direction's Digital Single Market Summit, Brussels, Belgium (Oct. 14, 2015), https://apps.fcc.gov/edocs_public/attachmatch/DOC-335876A1.pdf.