

Open Internet: Promoting and Protecting the Free Flow of Information Online

March 18, 2011

Key Objectives

- Protect the **freedom to read, speak, surf**
- Protect the **freedom to innovate**
- Promote **investment – at the edge and the core of broadband networks**
- Protect and promote **global information flows online**

Global Norms

“We will promote new tools of communication so people are empowered to connect with one another We will support a free and open Internet.”

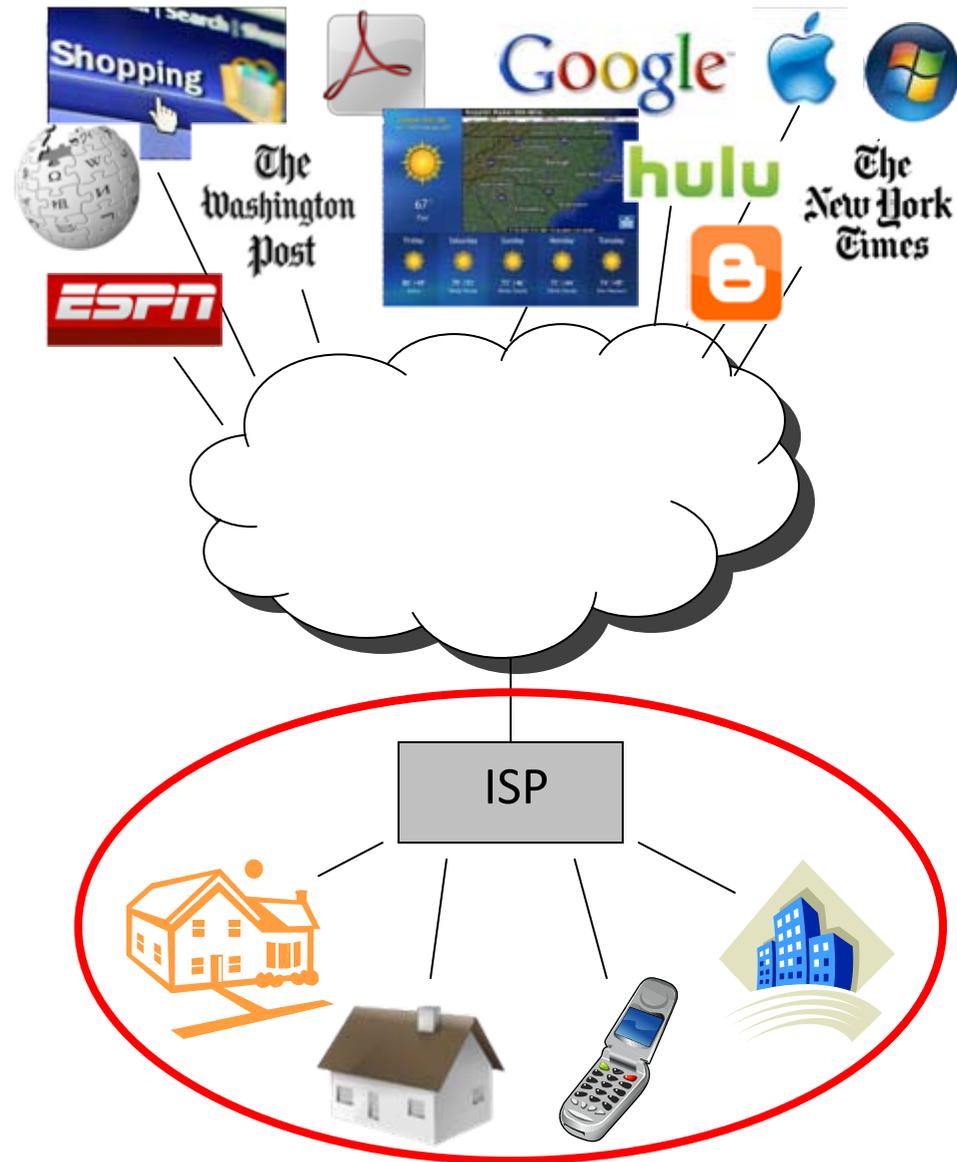
- *President Barack Obama*
U.N. General Assembly
September 23, 2010

“Governments should not prevent people from connecting to the Internet, to websites, or to each other.”

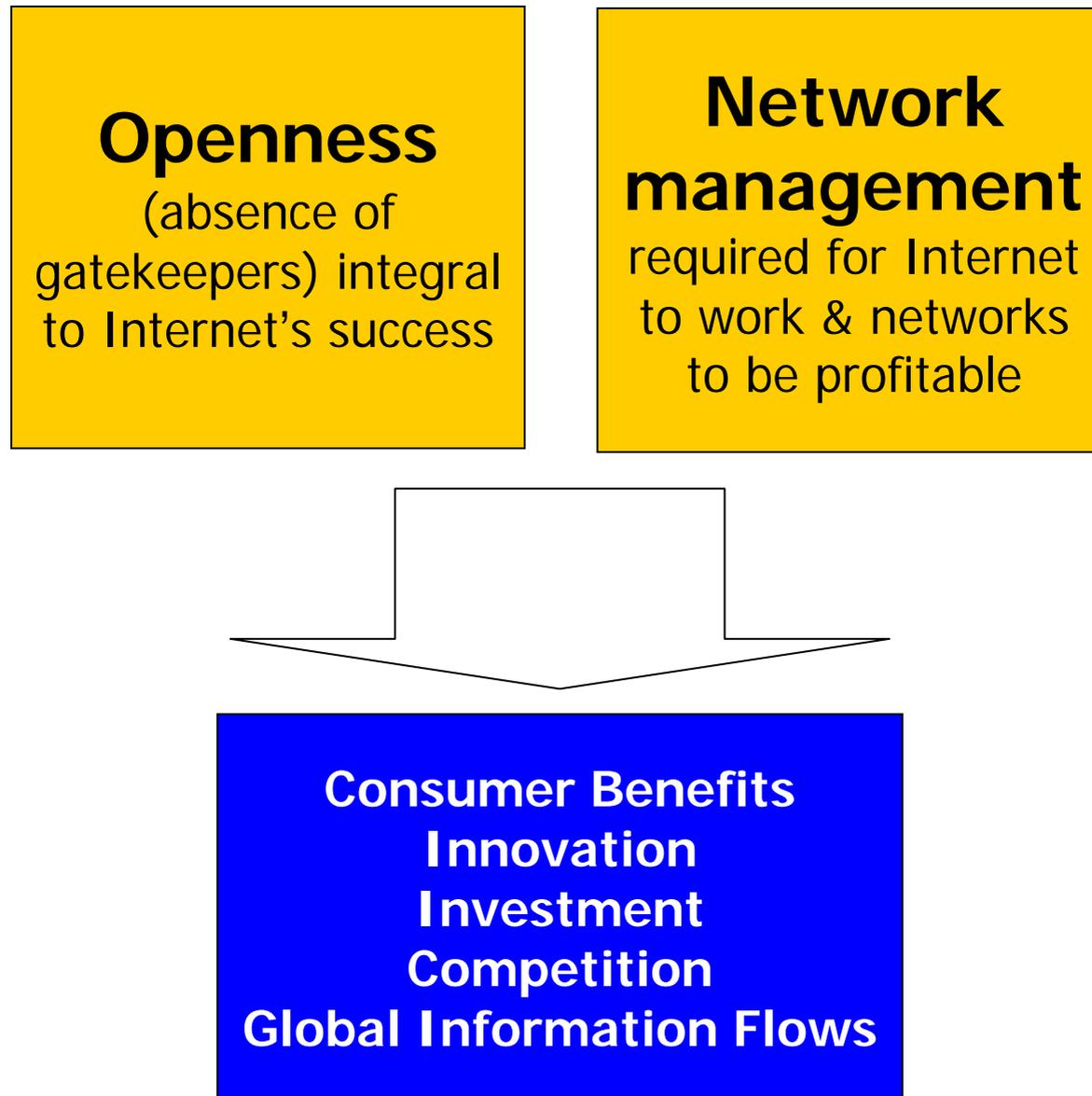
- *Secretary of State Hillary Clinton*
Remarks on Internet Freedom
January 21, 2010

Basic Approach

- Prevent broadband Internet access providers from acting as gatekeepers
- Allow reasonable network management
- Do not regulate Internet content or applications



Basic Approach (cont.)



Basic Economics: The Virtual Circle

Freedom to innovate without permission →

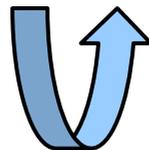
New online businesses, jobs, uses →

New access to knowledge + tools →



Greater demand for broadband →

Investment in the broadband network



The Need For Protections

Broadband providers

➤ can act as **gatekeepers**: all traffic goes through them

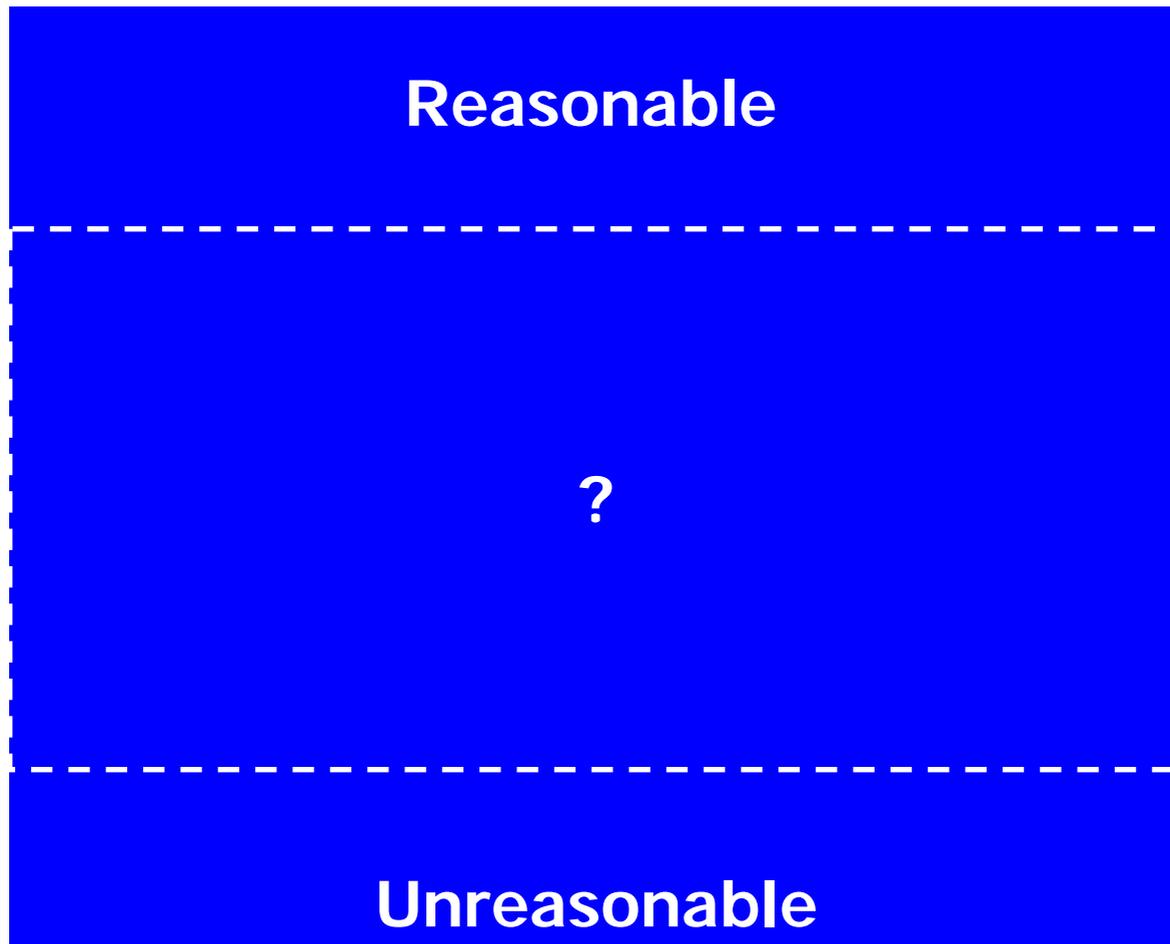
➤ have **incentives** to interfere with innovation and user choice

➤ **have blocked** or slowed lawful traffic on multiple occasions

+ lack of clarity and certainty regarding what's permissible and what's not

The Need for Protections (cont.)

Network Management Practices



History of the Proceeding

- Aug. 2005 FCC unanimously adopts open Internet principles
- Oct. 2009 FCC begins seeking public input on enforceable open Internet rules
- Dec. 2010 FCC adopts three high-level open Internet rules

Open, Inclusive Rulemaking Process

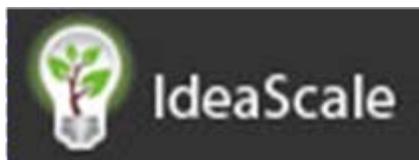
- Transparent, fact-based, and data-driven
- Over 200,000 comments, including on blog, IdeaScale crowdsourcing platform
- Public workshops
- Proposed specific language for rules to facilitate public comment



JOIN THE EVENTS



DISCUSS THE BLOG



TECHNICAL ADVISORY
PROCESS

The Rules

**APPENDIX A
Substantive Rules**

Part 8 of Title 47 of the Code of Federal Regulations is added **as** follows:

PART 8 – PRESERVING THE OPEN INTERNET

Sec.

8.1 Purpose.

8.3 Transparency.

8.5 No Blocking.

8.7 No Unreasonable Discrimination.

8.9 Other Laws and Considerations.

8.11 Definitions.

AUTHORITY: 47 U.S.C. §§ 151, 152, 153, 154, 201, 218, 230, 251, 254, 256, 257, 301, 303, 304, 307, 309, 316, 332, 403, 503, 522, 536, 548, 1302

§ 8.1 Purpose.

The purpose of this Part is to preserve the Internet as an open platform enabling consumer choice, freedom of expression, end-user control, competition, and the freedom to innovate without permission.

§ 8.3 Transparency.

A person engaged in the provision of broadband Internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings.

§ 8.5 No Blocking.

A person engaged in the provision of fixed broadband Internet access service, insofar as such person is so engaged, shall not block lawful content, applications, services, or non-harmful devices, subject to reasonable network management.

A person engaged in the provision of mobile broadband Internet access service, insofar as such person is so engaged, shall not block consumers from accessing lawful websites, subject to reasonable network management; nor shall such person block applications that compete with the provider's voice or video telephony services, subject to reasonable network management.

§ 8.7 No Unreasonable Discrimination.

A person engaged in the provision of fixed broadband Internet access service, insofar as such person is so engaged, shall not unreasonably discriminate in transmitting lawful network traffic over a consumer's broadband Internet access service. Reasonable network management shall not constitute unreasonable discrimination.

The Rules (cont.)

Transparency

- All broadband providers must disclose network management practices, performance, and commercial terms

No Blocking

- Fixed broadband providers may not block lawful content, applications, services or non-harmful devices.
- Mobile broadband providers may not block lawful websites, or applications that compete with their voice/video telephony services.

No Unreasonable Discrimination

- Fixed providers may not unreasonably discriminate in transmitting lawful network traffic over a consumer's broadband Internet access service.

Reasonable Network Management

- Broadband providers must be able to reasonably manage their networks.
- A practice is reasonable if it is appropriate and tailored to achieving a legitimate network management purpose.
- These purposes include:
 - Ensuring network security
 - Addressing traffic unwanted by users
 - Reducing the effects of congestion

Monitoring, Deterrence & Enforcement

- Commission will apply the rules on a case-by-case basis
- Anyone may file a complaint
- Commission may order provider to cease practices; impose fines and forfeitures
- Open Internet Advisory Committee
- Open Internet App Challenge

Mobile

- “There is one Internet”

- Rules tailored to unique:
 - Technology
 - Market (including 700 MHz openness rules)
 - Stage of development

- Commission committed to monitoring mobile marketplace on an ongoing basis

“Specialized Services”

- E.g., IPTV, VoIP
- Risks and benefits
- Commission will closely monitor “market developments to verify that specialized services promote investment, innovation, competition, and end-user benefits without undermining or threatening the open Internet.”
- Rules define broadband Internet access service to encompass “any service that the Commission finds to be providing a functional equivalent of [broadband Internet access service], or that is used to evade the protections set forth in these rules”

Support for the FCC Approach

- Edge companies (e.g., Netflix)
- Leading investors (e.g., John Doerr)
- Broadband providers (e.g., AT&T, Comcast)
- Analysts

Common Misconceptions

- FCC can now regulate Internet content, apps, services
- Open Internet rules are blueprint for censorship
- Open Internet rules are an investment killer
- No need for rules because no harm shown
- FCC has no authority to adopt open Internet rules

Global Norms

- Around the globe, the principle underlying Internet openness is the same: no central authority, public or private, should be a gatekeeper to the Internet.
- The open Internet framework is designed to protect freedom online from being constricted by broadband providers.
- The framework promotes cloud computing, innovation, and economic growth by preserving the freedom of innovators, investors, and entrepreneurs to launch new products, and promoting and protecting the global flow of information.

Open Internet enables freedom and democracy

- Enhances expression
- Enables civic participation
- Improves government responsiveness
- Bolsters government accountability

OpenInternet.gov

The screenshot shows a web browser window with the address bar displaying "http://www.openinternet.gov/". The page title is "Welcome to OpenInternet.gov". The website header features the "OPENINTERNET.GOV BETA" logo on the left and the "FEDERAL COMMUNICATIONS COMMISSION" logo on the right. A navigation menu includes links for "About OPENINTERNET.GOV", "Get INFORMED", "JOIN the DISCUSSION", "SPEECHES", "WORKSHOPS", and "OpenInternet BLOG".

The main content area is dominated by a video player. The video title is "Chairman Julius Genachowski on the Open Internet NPRM" with a subtitle "New Rules for an Open Internet". The video shows Chairman Julius Genachowski speaking at a podium in front of the FCC seal. A play button is overlaid on the video. Below the video, the text reads: "WELCOME to OPENINTERNET.GOV" and "Together we can preserve a *free* and *open* Internet to promote greater innovation, job creation, and a more connected America."

On the right side of the page, there are several promotional boxes: a red box for "WATCH the OPEN COMMISSION MEETING", a light blue box for "GET FCC UPDATES" with an email and ZIP input field and a "SIGN UP" button, and a white box for "VISIT THE OFFICIAL SITE OF BROADBAND.GOV THE NATIONAL BROADBAND PLAN".

At the bottom right, there is a section titled "FCC CONNECT" with social media icons for Twitter, Facebook, YouTube, Ideascale, Blogband, and RSS.