



# Open Internet Order

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# Why Open Internet Rules?



- The Open Internet rules are the culmination of more than a decade of effort by the Commission to protect and promote free and open Internet.
- Broadband Internet Access providers have the incentive and tools to deceive consumers, degrade content, or disfavor content that they don't like.
- Rules are grounded on the principle that no actor—government or private—should interfere with the full, lawful use of the Internet.

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# Scope of the Open Internet Rules



- The rules apply to Broadband Internet Access
  - Not “Regulation of the Internet”
- Rules apply to mobile broadband.
- Broadband Internet Access service (both fixed and mobile) is a “telecommunications” service.

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# Bright Line Rules



**No Blocking**

**No throttling**

**No Paid Prioritization**

➤ The no blocking and no throttling rules are subject to reasonable network management.

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# General Conduct Rule and Transparency Rule



- ISPs cannot “unreasonably interfere with or unreasonably disadvantage” the ability of:
  - consumers to select, access, and use the lawful content, applications, services, or devices of their choosing, or
  - edge providers to make lawful content, applications, services, or devices available to consumers.
  
- Complaints will be addressed on a case-by-case basis.
  
- Reasonable network management exception is available when issues arise under the general conduct rule.
  
- Transparency Rule enhanced



## Non-Broadband Internet Access Services

- Rules do not apply to data services that do not go over the public Internet – such as VoIP from a cable system, a dedicated heart-monitoring service, smart cars.
- However, these types of data services cannot be used to circumvent the Open Internet rules.
- The Commission will watch to ensure that data services do not become a loophole.

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## Internet Traffic Exchange

- Commission has jurisdiction over Internet traffic exchange.
- However, bright line rules and general conduct rule will not apply.
  - Commission concluded it does not have sufficient experience with Internet traffic exchange to intervene in the market and apply prescriptive rules.
- The Commission will apply an approach of watch, learn, and act on a case-by-case basis.

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## Forbearance

- Many provisions of Title II forborne from including rate regulation, tariffing, unbundling – provisions associated with utility regulation.
- However, the Order specifically retains sections 201, 202, 208 (and related enforcement authority). It also retains provisions dealing with:
  - Privacy
  - Pole attachments
  - Universal service – but no mandatory USF contribution
  - Disability access – but no mandatory TRS contribution

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## State and Local Issues



- States are bound by forbearance decisions
- Reaffirms prior FCC findings that broadband Internet access is jurisdictionally interstate for regulatory purposes
- Order is not a basis for requiring a cable system to obtain new franchise or renegotiate existing franchise
- No state assessment of USF contributions
- No inconsistent state regulation of broadband Internet access

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**Thank you!**



➤ Questions?

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