

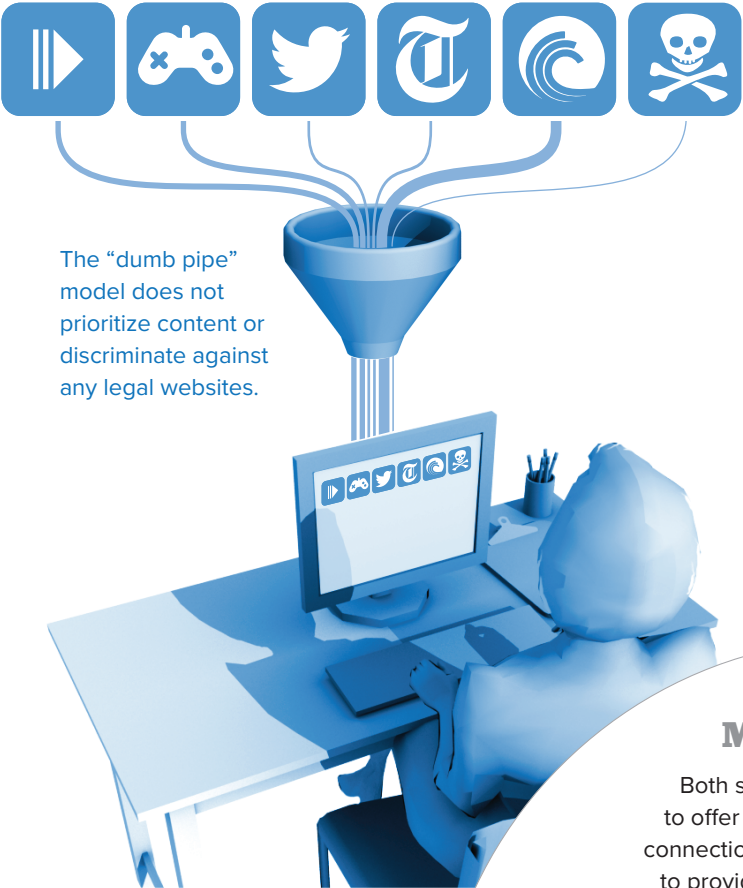
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## Net Neutrality Under Fire Again

Led by Ajit Pai, the FCC is preparing a proposal to roll back Obama-era regulations protecting neutrality. The rules currently prevent internet service providers from favoring one website over another. Net neutrality advocates want to secure a level playing field on the internet, where every website is equally accessible, but the telecom industry regards the policy as a federal government overreach that hampers investment in broadband networks.

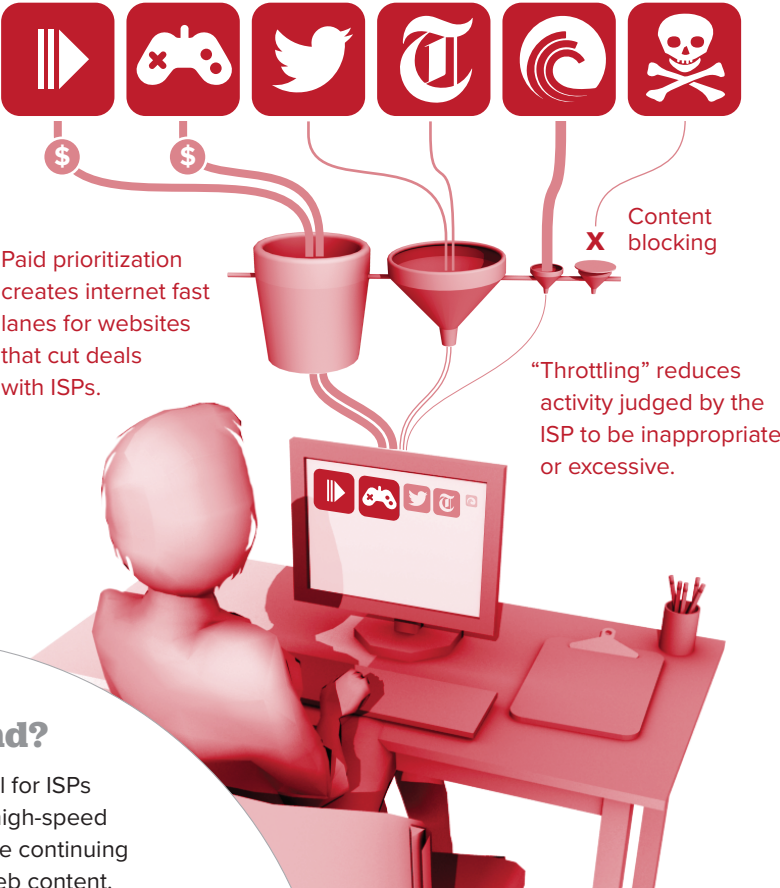
### ISP as Public Utility

Net neutrality ensures that internet service providers operate as neutral conduits, or common carriers, for a nondiscriminatory flow of internet traffic. Telecoms can charge more for faster access, but cannot prioritize, screen or filter content.



### ISP as Content Manager

Telecommunication companies want freedom to prioritize web traffic through their systems, providing customers with faster or cheaper access to websites that pay fees. Customer access to other websites might be slower, more expensive or even unavailable.



**Middle ground?**  
Both sides see the potential for ISPs to offer separate dedicated high-speed connections for television, while continuing to provide equal access to web content.

A brief history of major legislation, court rulings, public input, company actions and FCC regulations that have shaped the policy of internet access:

### Common Carrier

◀ ACTIONS REINFORCING THE PROVIDER AS A COMMON CARRIER

**1934:** Telecommunications Act creates FCC, which is charged with ensuring that telegraph and telephone providers operate as neutral **“common carriers.”**

**1972:** U.S. Supreme Court rules that FCC can require larger cable TV providers to provide public access programming.

**1996:** New Telecom Act requires telecom providers to sell network access to the public. Dial-up internet connections are classified as common carriers.

**Jan. 2003:** Law Professor Tim Wu coins the phrase **“net neutrality”** in a telecommunications law journal article about broadband discrimination.

**March 2005:** FCC fines a North Carolina ISP for blocking its subscribers from using an internet phone service that competed with the ISP’s phone service.

**Sept. 2005:** FCC issues policy statement, pledging to preserve and promote the “open and interconnected nature of the public internet.”

**Aug. 2008:** FCC orders Comcast to stop interfering with BitTorrent traffic.

**Sept. 2011:** FCC’s Open Internet Order protects consumer access to all lawful internet content, allows connection with any non-harmful device, protects consumer choice of network or ISP and prohibits blocking or discrimination.

**Jan. 2013:** Under public pressure, AT&T agrees to stop blocking FaceTime.

**Summer 2014:** Massive bipartisan public campaign floods FCC with about 4 million comments. President Barack Obama voices his support for net neutrality.

**Feb. 2015:** FCC passes Open Internet Order, reclassifying broadband internet as a common carrier and prohibiting throttling, content blocking and paid prioritization.

**June 2016:** D.C. Circuit Court of Appeals upholds FCC Open Internet Order for both wired and wireless access to the internet.

vs.

### Information Service

▶ ACTIONS REINFORCING THE PROVIDER AS INFORMATION SERVICE ▶

Path of line shows when legal status of providers was either common carrier or information service

**1979:** SCOTUS rules that FCC cannot regulate cable TV as a common carrier.

**1996:** New Telecom Act exempts internet service providers from common carrier rules.

**Late 1990s:** Telephone and cable companies convince FCC to rule that the internet is not a telecom service. Telephone companies offer cheaper in-house internet services, or require customers to use those services in order to access the internet with DSL. Cable companies offer no access to data lines.

**March 2002:** FCC classifies cable broadband as an **“information service,”** not a common carrier.

**June 2005:** SCOTUS upholds FCC ruling that cable internet is an information service, not a telecom service, and that cable companies are not required to provide third-party access to their faster connections.

**Sept. 2005:** FCC reclassifies DSL as an information service, freeing phone companies from requirements to share their lines with competing ISPs.

**Sept. 2007:** Comcast throttles BitTorrent’s peer-to-peer traffic over its network.

**April 2010:** D.C. Circuit Court of Appeals rules in favor of Comcast, saying that FCC cannot regulate Comcast as a common carrier if the company is classified as an information service.

**Sept. 2012:** AT&T blocks FaceTime on its mobile networks unless users pay more.

**Jan. 2014:** D.C. Circuit Court of Appeals strikes down Open Internet Order, saying the FCC cannot regulate the internet as a telecom service if it classifies the internet as an information service.

**Feb. 2017:** New FCC Chairman Ajit Pai waives net neutrality transparency requirements for small ISPs and announces support for zero-rating, a wireless offering exempting certain services from monthly data charges.

**Nov. 2017:** FCC plans a vote in December on Pai’s proposal to eliminate Obama-era regulations protecting net neutrality.

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