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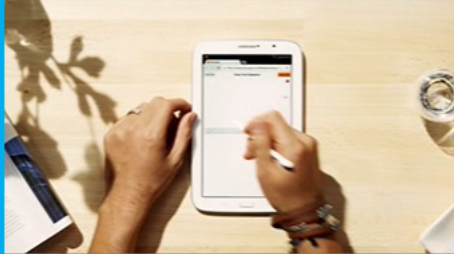
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Net Neutrality Prevails In Historic FCC Vote

Posted: 02/26/2015 1:02 pm EST | Updated: 1 hour ago

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WASHINGTON -- The Federal Communications Commission voted Thursday to approve strong net neutrality rules in a stunning decision, defying vocal, months-long opposition by telecom and cable companies and Republicans on Capitol Hill.

Democratic Commissioners Jessica Rosenworcel and Mignon Clyburn joined Chairman Tom Wheeler to approve a rule

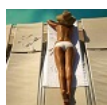
that reclassifies consumer broadband as a utility under Title II of the Communications Act.

The FCC intends to use this new authority to ban "paid prioritization," a practice whereby Internet service providers can charge content producers a premium for giving users more reliable access to that content, as well as to ban blocking and throttling of lawful content and services. These rules also apply to mobile access.

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According to a fact sheet released by the FCC, the agency plans to enforce its new open Internet rules through "investigation and processing of formal and informal complaints." For the first time, the FCC can also address complaints at interconnection points, the gateway between ISPs and the rest of the Internet, on a case-by-case basis.

"The Internet is simply too important to allow broadband providers to be the ones making the rules," Wheeler said



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prior to the vote.

At the vote, Clyburn pointed out that "absent the rules we adopt today," ISPs would be "free to block, throttle, favor or discriminate ... for any user, for any reason, or for no reason at all."

The FCC's two Republican commissioners attacked the vote. Commissioner Ajit Pai called the decision an "about-face" and stoked conservative fears by claiming, "We are flip-flopping for one reason and one reason only: President Obama told us to do so."

Those gathered in one FCC viewing room gasped and burst into laughter upon hearing Pai's remark.

A few months ago, such rules were considered a pipe dream of net neutrality advocates. Last fall, Wheeler was reportedly still considering a "hybrid" approach to net neutrality that would have made major concessions to telecom and cable companies, who contend that strong regulations will hinder investment and innovation.

But President Barack Obama came out in support of Title II and tough net neutrality rules in November, and Wheeler had to contend with that position as well as millions of comments from the general public in support of net neutrality. Tech start-ups like Tumblr, as well as Silicon Valley giants like Google, also advocated for strong net neutrality rules.

The FCC decision is a major loss for Verizon, the company that initially sued the FCC in 2011 over rules that were considerably weaker than the new regulations. The new rules are also likely to be challenged in court.

Verizon denounced the decision

(http://publicpolicy.verizon.com/assets/docs/VZ_NR_--_2-26-15_VZ_Statement_on_Open_Internet_Order_FINAL_1.pdf) in a press release issued shortly after the vote. Calling it "a radical step that presages a time of uncertainty for consumers, innovators and investors," Michael E. Glover, Verizon senior vice president, public policy and government affairs, said the FCC "chose to use this order as an excuse to adopt 300-plus pages of broad and open-ended regulatory arcana that will have unintended negative consequences for consumers and various parts of the Internet ecosystem for years to come."

Barbara van Schewick, a law professor at Stanford University and net neutrality expert, was optimistic that the rules would prevail in court, should they be challenged. "The agency's decision to reclassify Internet service as a common carrier under Title II ... puts the rules on a solid legal foundation," she said in a statement.

"The FCC has taken us in a distressing direction. We must now look to other branches of government for a more balanced resolution," said Michael Powell, president and CEO of the National Cable & Telecommunications Association, a trade group. (Powell is a former FCC chairman who served under President George W. Bush.)

Republicans have launched investigations into whether the White House unfairly influenced the FCC's decision, and are expected to pursue legislation, already introduced, that would gut the FCC's new authority. Sen. John Thune (R-S.D.) has said he plans to hold off-the-record meetings with stakeholders in early March in an attempt to drum up support from Democrats for his bill.

Republican members of the House Energy and Commerce Committee's

Subcommittee on Communications and Technology

(<http://energycommerce.house.gov/press-release/subcommtech-members-respond-fccs-unprecedented-regulation-internet>) indicated they are not giving up the fight.

"We were -- and we remain -- willing to come to the table with legislation to answer the calls for legally sustainable consumer protections for the free and open Internet that has fostered a generation of innovation, economic growth, and global empowerment," they said in a statement.

From the other side, Sen. Cory Booker (D-N.J.) called the decision "a landmark day in the history of the Internet" and "a tremendous victory for freedom of ideas, of information, and of expression" in a statement.

"Popular victories like today's are so unusual that three Congressional committees are investigating how this happened," said David Segal, executive director of Demand Progress, a group that supports net neutrality. "If the net neutrality effort had followed the usual playbook, if Comcast, Verizon, and AT&T had defeated the American people, nobody would be wondering why."



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Wheeler denounced as "nonsense" the claims that the FCC has a secret plan to regulate the Internet. He added, "This is no more a plan to regulate the Internet than the First Amendment is a plan to regulate free speech. They both stand for the same concept."

This article has been updated with additional information from the FCC and various responses to the vote.

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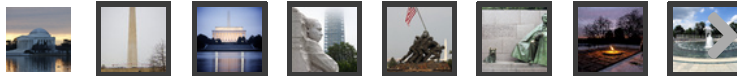


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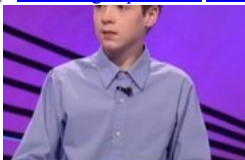
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