

Keeping the Internet Open for Everyone

The Fight for Our Online Future

On Feb. 26, 2015, the Federal Communications Commission voted to protect Net Neutrality — marking one of the biggest victories for the public interest in the agency's history.

The vote was the culmination of a more than decade-long power struggle between Internet users and broadband Internet access service providers. The last year saw unprecedented public engagement with this issue — with more than 4 million people weighing in at the FCC and millions contacting Congress too. After a remarkable series of escalating protests, online and off, the agency reclassified high-speed Internet access service under Title II of the Communications Act, ensuring that all Internet users will be protected from discrimination by broadband providers.

The FCC rules prohibit these Internet service providers like AT&T, Comcast and Verizon from blocking or throttling online content. The rules also ban paid-prioritization schemes that could create Internet slow lanes. Title II offers the strongest foundation for protections against these harmful practices, and the surest footing for the rules to withstand legal challenges.

These rules don't allow the FCC to regulate Internet content. They won't impose rate regulations or new taxes. And they are in no way a "government takeover of the Internet" as the ISPs have led some members of Congress to believe.

The Foundation for the Internet

Net Neutrality isn't a new concept. This principle paved the way for the Internet and its many innovations. As Sir Tim Berners-Lee put it, "When I invented the Web, I didn't have to ask anyone's permission."

Net Neutrality grew from common-carriage principles that require network operators to serve the public without unreasonable discrimination. When Congress updated the law near the beginning of the Internet era in 1996, it preserved this important distinction between online content, which the FCC can't regulate, and carriage, which is the cornerstone of our telecommunications system.

Broadband networks, like all telecom networks, are essential to our ability to connect and communicate. We need to preserve and strengthen these longstanding Net Neutrality principles.



What Is Net Neutrality?

Net Neutrality means that companies like AT&T and Verizon can't block, edit or discriminate against the information we send and receive over the Internet, like the sites we visit or the applications we use.

Net Neutrality has nothing to do with what we say to each other. It doesn't — and shouldn't — apply to the content of websites or email messages, or to applications like Spotify or Skype. It just ensures that the companies carrying our Internet traffic can't step in and interfere with our communications.

What's At Stake?

Could you imagine AT&T rerouting your call to your favorite pizza shop to Domino's? That would be preposterous, but this is exactly the kind of power companies like AT&T, Comcast and Verizon want over the Internet.

Broadband providers want to determine which sites, services and apps Internet users can access, and how well they work. And they want to prioritize their own content above everyone else's. There are numerous examples of ISPs violating Net Neutrality to disadvantage alternatives to their own offerings (including Comcast blocking file-sharing application BitTorrent, AT&T blocking voice and video chat apps like Skype or FaceTime, and Verizon blocking mobile payment and mobile hotspot apps).

Without Net Neutrality, these providers — all of which are in the pay-TV and telephone business — could favor their own shows, movies and messaging services while blocking or slowing down services like Netflix or Messenger. They could prioritize traffic from companies like Apple and Google but keep startups in the slow lane. They could charge their own customers extra just for visiting certain websites or using certain applications.

Without strong Net Neutrality protections, these companies could double-charge for delivering content. They could collect from their own customers for basic Internet connectivity, which is always expensive, and then demand yet another toll from content providers just for delivering their content to Internet users who have requested it.

The Threat Is Real

This kind of online discrimination is already happening around the world, and the trend could continue in the U.S. if Congress succeeds in undermining the FCC's new protections.

While big companies may have the resources to survive these threats, startups and small businesses don't. Even the largest Internet companies started small. There'd be no Amazon or Twitter if they'd been forced to pay extra just to be visible online. There's no telling what new sites and services we could lose out on. So as important as it is not to let cable companies crowd out or crush their online video competitors, it's even more important to keep the network open for everyone. This isn't just about Comcast vs. YouTube. It's about the future of innovation in our entire economy, and of free expression in our democracy.

How Did We Get To Title II?

In 2002, the FCC bowed to pressure from cable companies and started to classify broadband as an "information service." Information services aren't subject to the same FCC oversight — and this is a good thing when it comes to keeping Internet content and applications free from FCC regulation. But when the FCC started lumping broadband together with websites and apps, it meant that broadband customers were no longer entitled to the same protections they have always had against unreasonable discrimination by telecommunications carriers.

The FCC adopted its 2005 Open Internet principles and its 2010 Open Internet rules in response to a string of abuses by phone and cable companies. This included the discovery in 2007 that Comcast was blocking people from sharing digital files of the King James Bible and public-domain song recordings.

But because the FCC had defined broadband as an information service, a federal court twice overturned the FCC's attempts to protect broadband users from ISP blocking and interference with users' online choice. The court did not question the merits of Net Neutrality rules, only the FCC's questionable legal framework for them.

The solution was simple in legal terms: To protect the open Internet, the FCC needed to reclassify broadband as a telecommunications service under Title II of the Communications Act. Doing so would define broadband as what we all know it is — a faster connection to the outside world, but one that offers the same type of service as the phone lines used for dial-up Internet access, phone calls and faxes.

While the legal path was clear, that didn't make the politics easy. In the wake of the 2014 court ruling, the FCC initially ignored the widespread calls for real Net Neutrality. In May 2014, it released a proposal that would have allowed ISPs to create a two-tiered Internet, with fast lanes for the few who could afford the steep tolls and dirt roads for the rest of us.

A diverse coalition pushed back, and in early 2015 Chairman Wheeler — after reviewing the record of legal and public support for reclassification — proposed Title II-based rules to protect Internet users. Adopted by the FCC on Feb. 26, 2015, these historic rules protect both wired and wireless Internet users — fixing the disparity and diminished protections for wireless that the 2010 version of Net Neutrality rules had wrongly created.

But the rules are already under threat from ISPs and their allies in Washington. Net Neutrality opponents in Congress are threatening to cut agency funds or write new laws that would overturn the FCC's rules altogether.

We need to defend what we've won and stop any efforts to undermine these protections that the FCC has restored using the law in Title II.

