

Myths & Facts: What the FCC's New "Net Neutrality" Order Means For You

In December 2017, the Federal Communications Commission (FCC) voted to restore the regulatory framework that governed the internet prior to 2015. The decision resulted in an onslaught of alarmist news coverage, much of which is inaccurate. Here are some important facts about the FCC's Restoring Internet Freedom Order.

Myth: The FCC Order ended net neutrality.

FACT: Net neutrality isn't going away. The FCC voted to repeal a small number of net neutrality rules that had been in place only two years. These rules were based on Title II, an outdated regulation designed for "public utilities" and not on today's competitive landscape. But net neutrality itself – the basic principle that prohibits internet service providers (ISPs) from blocking, slowing, or otherwise harmfully discriminating against internet content – will continue to be enforced by the Federal Trade Commission (FTC). This is the same agency that addresses other concerns about harms to consumers or competition.

Myth: Title II regulations are needed to protect net neutrality.

FACT: For 20 years prior to 2015, the internet was open and protected without Title II. The FCC's 2017 Order simply means that the internet will no longer be subject to the kind of heavy-handed government regulations reserved for "public utility services" (as it was only from 2015-2017), and instead it will once be again subject to targeted, light-touch oversight by the FTC and FCC.

Myth: The new FCC Order is an assault on the internet; it leaves internet users without any online protections.

FACT: The FCC's recent action rescinds rules that were only in effect for less than two years and restores the rules by which the internet was governed for more than two decades. Returning to an era of less federal control of the internet will lead to increased competition and more innovation. Both the FCC and FTC will continue to protect consumers from unfair or anti-competitive practices by internet service providers.

Myth: ISPs will be able to block/throttle content, and create fast-lanes that most consumers can't afford.

FACT: It is illegal under existing competition, consumer protection and antitrust laws for broadband providers to engage in behavior that harms competition or consumers. Any ISP that engages in illegal behavior that harms the open internet will immediately face fierce consumer backlash and an FTC enforcement action.

Myth: Consumers will pay more for connectivity and content under the new internet rules.

FACT: The new order aims to encourage competition and expand consumer choice – both of which will allow companies to provide consumers with the services they want, and not overcharge for services they don't want.

Myth: Repeal of Title II regulations will make it harder for economically disadvantaged consumers to get online.

FACT: Excess regulation that makes deployment more expensive hits rural and low-income communities the hardest. A return to a light-touch approach will encourage broadband deployment in those communities.

Myth: Title II rules protected privacy, universal service, infrastructure deployment, and disability access.

FACT: Consumer rights and protections continue to be critically important. While the FCC Order changes the legal classification of internet service, it does not impact federal, state, and local service obligations regarding universal service, infrastructure deployment, and disability access. And it returns to the FTC its long-standing role as the protector of consumer privacy.

Myth: The FCC Order's preemption of state authority on net neutrality will hurt consumers and entrepreneurs.

FACT: The internet is inherently interstate and international. It can't be regulated state-by-state, with users in one state accessing content in another, via a company in yet a third. The only way to address the internet is with a national broadband policy. The FCC Order protects both consumers and internet entrepreneurs from having to navigate a confusing patchwork of state-by-state internet guidelines.