

Net Neutrality

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... here's what it really takes

In 2015, the Federal Communications Commission (FCC) issued an order ensuring meaningful, enforceable protection for the free and open Web. But FCC Chairman Pai aims to remove those protections for net neutrality. This is an existential threat to the internet. His draft order would lead to an internet that benefits Internet Service Providers (ISPs) at the expense of users, innovators, and small businesses - eroding free speech, competition, innovation, and user choice to boot. This should, and will, result in efforts in Congress and challenges in the courts to protect the neutral and open internet, creating uncertainty for all stakeholders.

Net neutrality is two interconnected problems: rules and the authority to enforce them. Most agree on what rules are needed for an open internet. Ensuring authority to enforce these rules has been the topic of the latest U.S. net neutrality debate, with some objecting to the use of the FCC's Title II authority from the Communications Act, even though the FCC formally declines to use utility-focused authorities via forbearance.

What do we really need to protect net neutrality?

Comprehensive rules paired with clear enforcement jurisdiction.

Net neutrality rules must be comprehensive.

- Rules should apply to all types of network connections - fixed, mobile, wired, wireless.
- ISPs can't engage in blocking, throttling, or paid prioritization of lawful traffic. Preferential or discriminatory treatment is an existential threat to the open internet.
- ISPs can use reasonable, application-agnostic network management to protect their network.
- Users must be able to run the applications and access the content of their choice via their internet provider, and connect non-harmful devices of their choice.
- These protections apply regardless of the sender, receiver, content, website, platform, application, feature, device, or equipment.
- Network management practices must be clearly, technically, and publicly documented.
- The market should determine pricing, but no access services should exempt user-facing content or communications from cost or counting against a data cap.

Net neutrality rules must be enforceable.

- Title II regulatory authority, with appropriate forbearance, is still the best way to ensure authority to protect net neutrality.
- Title II also ensures other important goals, like universal service, assistive services, infrastructural protections like pole attachments, and privacy of browsing history.

The FCC must have authority.

- Adopt and enforce net neutrality rules, including receiving and processing complaints, assigning liability to ISPs for violations, and recovering those penalties.
- Protect the privacy of users of the communications service.
- Protect access for hearing-impaired and speech-impaired individuals, and other individuals with disabilities.
- Adopt universal service rules in the context of broadband services.
- Take later action, including rulemaking and adjudication, to evaluate future practices that might undermine neutrality, and if necessary to prohibit them.



We look forward to working with policymakers to implement these protections for the internet. For further information, please contact Heather West, Senior Policy Manager | heather@mozilla.com