

The Regulatory Uncertainty of Broadband Classification

FEBRUARY

FCC articulates principles of internet freedom:

1. Freedom to access content
2. Freedom to run applications
3. Freedom to attach devices
4. Freedom to obtain service plan information

APRIL

D.C. Circuit overturns an enforcement action, ruling FCC lacked authority to force ISPs employing reasonable network management practices to keep their networks open

DECEMBER

FCC's 2010 Open Internet Order adopts transparency, no blocking, and non-discrimination rules under Title I using previously disclaimed authority under "Section 706"

FEBRUARY

The Wheeler FCC finds broadband internet access is a Title II telecommunications service. The 2015 Open Internet Order bans blocking, throttling, paid prioritization, and other unspecified general conduct while asserting authority over interconnection

U.S. broadband network infrastructure investment declines in both 2015 and 2016

APRIL

The Pai FCC launches a rulemaking to protect internet freedom without Title II burdens

DECEMBER

FCC votes to reclassify broadband internet access service as an information service under Title I

2004

JUNE

In *Brand X* case Supreme Court upheld classification of cable modem service as information service under Title I

AUGUST

FCC adopts policy statement declaring support for internet openness

2010

2005-2010

FCC applies 2005 policy statement as conditions to multiple mergers and enforcement actions

2011

SEPTEMBER

2010 Open Internet Order appealed

2015

2014

JANUARY

From 2011 appeal, D.C. Circuit strikes down the no blocking and non-discrimination rules from the 2010 Open Internet Order – holding that common carriage requirements cannot be applied to information services under Title I

MAY

FCC NPRM proposes revised rules under multiple theories that won't constitute common carriage

NOVEMBER

In a White House video, President Obama endorses classification of broadband internet access as a telecommunications service under Title II

2015-2016

2016

JUNE

D.C. Circuit upholds FCC's 2015 Open Internet Order

2017

LEGISLATION IS THE ONLY PATH TO CERTAINTY

1. End this regulatory back and forth
2. Ensure everyone enjoys permanent open internet protections across the internet ecosystem
3. Provide certainty for broadband companies to unleash the power and promise of investment and innovation