

# New net neutrality proposal, “Restoring Internet Freedom,” would undo parts of 2015 Open Internet Order

## Features of the NPRM on FCC broadband regulation

### Open Internet Order provisions

#### Title II classification

- The 2015 Open Internet Order formally classifies broadband Internet access services (BIAS) as Title II common carriers, giving the FCC the authority to regulate the broadband industry under the Communications Act



### Notice of Proposed Rulemaking features

#### Title I classification

- Pai proposes a return to classifying BIAS as Title I information services, which would decrease FCC oversight capacity of broadband providers
- Additionally, authority would be given to the **FTC**, which would monitor ISP privacy practices

#### Internet conduct standard

- The rule allows the FCC to look into non-neutral practices that could harm consumers and/or edge providers
- This standard was used when the FCC investigated data cap exemptions



#### Elimination of the standard

- Pai calls this standard a “mandate to micromanage the Internet” and argues that it should be done away with before it is used by a future Commission “to make mischief”

#### Additional features:

- The NPRM would also seek comment on whether to keep, change, or eliminate the **bright-line rules of no blocking, no throttling and no paid prioritization**
- The proposal also considers determining that mobile BIAS is not a commercial mobile service

#### Important dates:

- May 18: voting day for the NPRM **\*\*The NPRM passed 2-1, along party lines**
- August 17: public comment period ends
- Fall 2017: Pai’s projected deadline for finishing up net neutrality proceedings

Source: “Fact sheet: restoring Internet freedom,” FCC, April 27, 2017; Kate Cox, “Here’s the timeline for the likely death of net neutrality,” The Consumerist, April 27, 2017.