



The Internet Association: FCC Reply Comments on Net Neutrality

Frequently Asked Questions

What are the key takeaways from IA's reply comments?

The FCC's net neutrality rule received more comments than any other rulemaking in history. The American people have spoken forcefully, telling the FCC, lawmakers, and other stakeholders: protect the open Internet.

The Internet Association stands with more than 1 million Americans in urging the FCC to adopt strong nondiscrimination and no blocking rules to protect consumers, startups, and innovation. Net neutrality rules must:

- Protect an open Internet, free from discriminatory or anticompetitive actions by broadband gatekeepers. This principle should be the cornerstone of the FCC's network neutrality policy.
- Recognize there is only one Internet and apply net neutrality principals equally to both wired and wireless networks.
- Protect and prevent broadband gatekeepers from making unilateral decisions about speech and access on the Internet.
- Make clear that broadband gatekeepers do not have the right to create slow lanes and fast lanes on the Internet that discriminate against speech and harm users.

What do you say to the arguments made by the ISPs that transparency requirements are enough to protect consumers?

Robust transparency requirements are necessary but not sufficient. The FCC acknowledged that fact in its 2010 Open Internet order. The reason is simple: there is a decided lack of competition among broadband providers. Coupled with the high cost of switching providers, transparency rules are simply not enough to protect consumers.

What about CTIA's argument that wireless providers should have the right to block or discriminate any app or website?

There is only one Internet and the FCC's openness rules should recognize that. No matter how users choose to connect to the Internet, net neutrality rules should apply universally on both wireless and wireline networks. To the extent wireless networks are constrained by bandwidth, the FCC's existing exception for reasonable network management provides sufficient flexibility. In poor and disadvantaged communities, mobile broadband is often the sole means of accessing the Internet – there is no justification for permitting mobile broadband providers to censor Internet access for disadvantaged communities.



Broadband gatekeepers have asked the FCC to apply net neutrality rules to content providers. What's IA's view?

This is a cynical argument that the FCC rejected in its 2010 Open Internet Order. Broadband gatekeepers control access to the Internet for their subscribers and for anyone wishing to reach those subscribers. Gatekeepers are the only entities capable of blocking, degrading, or favoring Internet traffic. Consumers have woefully too few choices for broadband access, but once they get online, there is virtually unlimited content to choose from. In stark contrast to the broadband gatekeepers, competition between content providers is just a click away.

What about reports of hidden discrimination and secret network choke points?

Internet traffic must be protected at every point on a broadband network. Consumers should get the speed and quality they are paying for.

There have been reports that consumers have experienced degraded download speeds because broadband providers are holding up a content provider's traffic until an interconnection access fee is paid. Interconnection should not be used as a choke point to artificially slow traffic or extract unreasonable tolls from over-the-top providers. Consumers should get the download speeds they pay for, regardless of whether a content provider pays a terminating access fee to connect traffic to the broadband provider's network.

Remind me, what did the Internet Association propose in its original FCC filing?

The Internet Association's comments to the FCC on net neutrality can be summarized into three simple takeaways:

1. Internet Users Should Get What They Want, When They Want It

The Internet should be a place free from censorship, discrimination and anticompetitive behavior, protected by simple and enforceable rules that ensure a consumer's equal access to the content they want.

2. Internet Users Should Get What They Pay For

Broadband subscribers should get the bandwidth they are paying for – content should be treated equally, without degradations in speed or quality. No artificial slow or fast lanes.

3. Networks Should Have Equal Protection

No matter how users choose to connect to the Internet, net neutrality rules should apply universally on both wireless and wireline networks.

Okay, what does that mean in the real world?

Net Neutrality rules must be enforceable and ensure non-discrimination, no-blocking, and transparency:

- Enforceable: A means to ensure that broadband gatekeepers abide by the rules of the road, and penalties for non-compliance.



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- Non-discrimination: Treat all Internet traffic equally and do not discriminate between different bits of data.
- No-blocking: Clarify the no blocking rule to prevent the prioritization of applications by broadband Internet access providers on non-congested networks.
- Transparency: Given the confidential treatment of network deployment and operations by Broadband Internet access providers' network, it is difficult to determine the precise causes of network congestion. This allows broadband Internet access providers to hide congestion-by-design tactics, both from the edge providers with whom it then seeks to negotiate access tolls, as well as from the FCC. Enhanced disclosure requirements will help alleviate some of these issues.

Why does the FCC need to take action?

The decentralized and open model is the “secret sauce” of the Internet. It has unleashed unprecedented entrepreneurialism and creativity. Because of its unique nature, free from the control of any government or corporation, the Internet has been a laboratory for invention and innovation. The nearly non-existent barrier to entry is why the Internet is home to the most exciting new businesses and ideas. A free and open Internet has spawned thousands of new companies, concepts, markets and ways of doing business. Along the way, Internet companies have been significant drivers of economic growth and job creation. Recent court rulings have placed the Internet’s open model at risk, and the FCC must take action to protect it.