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The Federal Net Neutrality Debate: Access to Broadband Networks

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CONGRESSIONAL BUDGET OFFICE
U.S. DEPARTMENT OF COMMERCE
STRATEGIC MARKETING
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DIVISION

Access To Broadband Networks The Net Neutrality Debate

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Access To Broadband Networks The Net Neutrality Debate:

Access to Broadband Networks Angele A. Gilroy, 2011-08 As congressional policymakers continue to debate telecomm reform a major point of contention is the question of whether action is needed to ensure unfettered access to the Internet The move to place restrictions on the owners of the networks that compose and provide access to the Internet to ensure equal access and non discriminatory treatment is referred to as net neutrality A major focus in the debate is concern over whether it is necessary for policymakers to take steps to ensure access to the Internet for content services and applications providers as well as consumers what these steps should be Contents of this report Intro FCC Activity Industry Initiatives Network Mgmt The Policy Debate Congress Activity A print on demand report

Access to Broadband Networks Angele A. Gilroy, 2012-11-22 As congressional policymakers continue to debate telecommunications reform a major point of contention is the question of whether action is needed to ensure unfettered access to the Internet The move to place restrictions on the owners of the networks that compose and provide access to the Internet to ensure equal access and non discriminatory treatment is referred to as net neutrality While there is no single accepted definition of net neutrality most agree that any such definition should include the general principles that owners of the networks that compose and provide access to the Internet should not control how consumers lawfully use that network and they should not be able to discriminate against content provider access to that network A major focus in the debate is concern over whether it is necessary for policymakers to take steps to ensure access to the Internet for content services and applications providers as well as consumers and if so what these steps should be Some policymakers contend that more specific regulatory guidelines may be necessary to protect the marketplace from potential abuses which could threaten the net neutrality concept Others contend that existing laws and policies are sufficient to deal with potential anti competitive behavior and that additional regulations would have negative effects on the expansion and future development of the Internet The December 21 2010 adoption and November 20 2011 implementation by the Federal Communications Commission FCC of its Open Internet Order has focused attention on the issue Although most concede that networks have always needed and will continue to need some management the use of prioritization tools such as deep packet inspection as well as the initiation of metered usage based billing practices have further fueled the debate A consensus on the net neutrality issue has remained elusive and support for the FCC s Open Internet Order has been mixed While some Members of Congress support the action and in some cases would have supported an even stronger approach others feel that the FCC has overstepped its authority and that the regulation of the Internet is not only unnecessary but harmful Internet regulation and the FCC s authority to implement such regulations has been a topic of legislation H R 96 H R 166 S 74 H R 2434 H R 1 H R 3630 H J Res 37 and S J Res 6 and hearings in the 112th Congress The House on April 8 2011 passed 240 179 H J Res 37 to state disapproval of and remove the force and effect of the FCC s Open Internet Order However an identical resolution of disapproval S J Res 6 failed to pass the

Senate on November 10 2011 by a 52-46 vote Attempts to prohibit implementation through the appropriations process by the withholding of FCC funds for such purposes have also been unsuccessful It is anticipated that the issue of Internet access will be of continued interest to policymakers The net neutrality issue has also been narrowly addressed within the context of the American Recovery and Reinvestment Act of 2009 ARRA P L 111-5 Provisions required the National Telecommunications and Information Administration NTIA in consultation with the FCC to establish nondiscrimination and network interconnection obligations as a requirement for grant participants in the Broadband Technology Opportunities Program BTOP These obligations were released July 1 2009 in conjunction with the issuance of a notice of funds availability soliciting applications Recipients of these awards have been selected and continued congressional oversight is expected *The Net Neutrality Debate* Congressional Service, 2017-12 As congressional policymakers continue to debate telecommunications reform a major discussion point revolves around what approach should be taken to ensure unfettered access to the Internet The move to place restrictions on the owners of the networks that compose and provide access to the Internet to ensure equal access and nondiscriminatory treatment is referred to as net neutrality While there is no single accepted definition of net neutrality most agree that any such definition should include the general principles that owners of the networks that compose and provide access to the Internet should not control how consumers lawfully use that network and they should not be able to discriminate against content provider access to that network The Federal Communications Commission FCC in its February 26 2015 open meeting voted 3-2 along party lines to adopt new open Internet rules and released these rules on March 12 2015 One of the most controversial aspects of the rules is the decision to reclassify broadband Internet access service as telecommunications service under Title II thereby subjecting Internet service providers to a more stringent regulatory framework With limited exceptions the rules went into effect June 12 2015 Various parties challenged the legality of the FCC's 2015 Open Internet Order but the U.S. Court of Appeals for the D.C. Circuit in a June 14 2016 ruling voted 2-1 to uphold the legality of all aspects of the 2015 FCC Order A petition for full U.S. Appeals Court review was denied and parties have petitioned for U.S. Supreme Court review The FCC's May 18 2017 adoption 2-1 of a Notice of Proposed Rulemaking to reexamine the rules adopted in 2015 with an eye to considering a less regulatory approach has once again opened up the debate over what the appropriate framework is to ensure an open Internet Reaction to this proposal has been mixed Some see the current FCC rules as regulatory overreach and welcome a more light touch approach which they feel will stimulate broadband investment deployment and innovation Others fully support the current 2015 regulations and feel that their modification will result in a concentration of power to the detriment of content services and applications providers as well as consumers and refute the claim that these regulations have had a negative impact on broadband investment expansion or innovation The draft Order is currently under circulation to the commissioners with a vote by the full commission tentatively scheduled for December 14 2017 To date congressional action in the 115th Congress has focused on two aspects of the

current rules privacy S J Res 34 S 878 S 964 H J Res 86 H Res 230 H R 1754 H R 1868 H R 2520 H R 3175 and transparency S 228 H R 288 Separately legislation S 993 to nullify the FCC s 2015 Open Internet Order has also been introduced The FCC s move to reexamine its existing open Internet rules has reopened the debate over whether Congress should consider a more comprehensive measure to amend existing law to provide greater regulatory stability and guidance to the FCC Whether Congress will choose to address more comprehensive legislation to amend the 1934 Communications Act to provide a broad based framework for such regulation remains to be seen *Access to Broadband Networks* Congressional Research Service,2014-11-11 As congressional policy makers continue to debate telecommunications reform a major point of contention is the question of whether action is needed to ensure unfettered access to the Internet The move to place restrictions on the owners of the networks that compose and provide access to the Internet to ensure equal access and non discriminatory treatment is referred to as net neutrality While there is no single accepted definition of net neutrality most agree that any such definition should include the general principles that owners of the networks that compose and provide access to the Internet should not control how consumers lawfully use that network and they should not be able to discriminate against content provider access to that network A major focus in the debate is concern over whether it is necessary for policy makers to take steps to ensure access to the Internet for content services and applications providers as well as consumers and if so what these steps should be Some policy makers contend that more specific regulatory guidelines may be necessary to protect the marketplace from potential abuses which could threaten the net neutrality concept Others contend that existing laws and policies are sufficient to deal with potential anti competitive behavior and that additional regulations would have negative effects on the expansion and future development of the Internet The January 2014 decision by the U S Court of Appeals D C Circuit Verizon Communications Inc v Federal Communications Commission D C Cir No 11 1355 upholding the Federal Communications Commission s FCC authority to use Section 706 of the Telecommunications Act of 1996 to regulate broadband providers but striking down the specific anti blocking and nondiscrimination rules of the FCC s 2010 Open Internet Order has focused attention on the issue Seven measures H R 3982 H R 4070 H R 4752 H R 4880 H R 5429 S 1981 and S 2476 have been introduced in direct response to the January 2014 court decision and subsequent FCC action In response to the court remand the FCC on May 15 2014 adopted a Notice of Proposed Rulemaking to seek comment on how best to protect and promote an open Internet A consensus on the net neutrality issue has remained elusive Some Members of Congress support FCC regulation of broadband providers others feel that the regulation of the Internet is not only unnecessary but harmful The release on November 10 2014 of a statement by President Obama urging the FCC to adopt regulations to reclassify Internet access services as telecommunications services to be regulated under Title II of the 1934 Communications Act has once again focused attention on the debate The FCC has yet to make a decision but regardless of the outcome it is anticipated that the issue of access to broadband networks will be of continued interest to policy makers

The net neutrality issue has also been narrowly addressed within the context of the American Recovery and Reinvestment Act of 2009 ARRA P L 111 5 Provisions required the National Telecommunications and Information Administration NTIA in consultation with the FCC to establish nondiscrimination and network interconnection obligations as a requirement for grant participants in the Broadband Technology Opportunities Program BTOP These obligations were released July 1 2009 in conjunction with the issuance of a notice of funds availability soliciting applications Recipients of these awards have been selected and continued congressional oversight is expected

The Net Neutrality Debate Congressional Research Service,2018-11-18

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Addresses net neutrality debate over whether regulatory action is needed to ensure unfettered access to the Internet in light of broader telecommunications reform Reviews FCC activity network management policy debate and Congressional activity in the 111th Congress

Net Neutrality Debate Angele A. Gilroy,2017

Access to Broadband Networks ,2009 The move to place restrictions on the owners of the networks that compose and provide access to the Internet to ensure equal access and non discriminatory treatment is referred to as net neutrality There is no single accepted definition of net neutrality However most agree that any such definition should include the general principles that owners of the networks that compose and provide a However he stated that they would be incorporated into the policymaking activities of the Commission 6 For example one of the agreed upon conditions for the October 2005 approval of both the Verizon MCI and the SBC AT T mergers was an agreement made by the involved parties to commit for two years to conduct business in a way that comports with the Commission s 2005 Internet policy statement The Framework for Broadband Internet Service the FCC Notice of Inquiry The FCC in a June 17 2010 action adopted 3 2 a notice of inquiry NOI to consider the framework for broadband Internet service 18 The NOI seeks comment on original suggestions as well as comment on three specific issues whether the FCC s information service classification of broadband internet service remains legal The American Recovery and Reinvestment Act of 2009 The FCC has also been called upon to address net neutrality principles within the context of the implementation of the American Recovery and Reinvestment Act of 2009 ARRA P L 111 5 The NBP referred to the FCC s ongoing notice of proposed rulemaking on Preserving the Open Internet see Preserving the Open Internet the FCC Notice of Proposed Rulemaking above and stated that broadband s ability to derive the many benefits discussed in this plan depend s on its continued openness 29 One other issue relevant to the open access net neutrality debate focuses on the regulatory

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