

Court dismisses challenges to FCC Internet rules

April 4 2011, By JOELLE TESSLER , AP Technology Writer

A federal appeals court has dismissed two legal challenges to new Federal Communications Commission regulations that prohibit phone and cable companies from interfering with Internet traffic on their broadband networks.

The U.S. Court of Appeals for the District of Columbia on Monday dismissed lawsuits filed by [Verizon Communications](#) Inc. and MetroPCS Communications Inc. on technical grounds. The court said the companies filed their challenges prematurely since the rules have not yet been published in the federal register.

The new "[network neutrality](#)" regulations bar broadband providers from favoring or discriminating against Internet content and services, including online calling and Web video services that could compete with their core phone and cable operations. The FCC's three Democrats voted to adopt the regulations late last year over the objection of the agency's two Republican members.

FCC spokesman Rob Kenny defended the new FCC policy, saying it "preserves [Internet freedom](#) and openness." Edward McFadden, a Verizon spokesman, said the company plans to refile its appeal as soon as the rules are published in the federal register. MetroPCS had no comment.

The companies are suing the FCC in the same court that ruled last year that the agency had exceeded its legal authority in sanctioning cable giant

Comcast Corp. for discriminating against online file-sharing traffic on its [broadband network](#).

Congressional Republicans also are seeking to repeal the new FCC rules and are planning a House floor vote later this week on a measure to overturn them. Republicans argue that the rules will discourage phone and [cable companies](#) from investing in costly network upgrades by barring them from offering premium services over their lines or prioritizing traffic from business partners in order to earn a return on those investments. They also maintain that the FCC overstepped its authority in adopting the rules.

In a statement released late Monday, the White House said it is strongly opposed to the Republican bill and suggested that the measure will likely face a veto if it reaches the President's desk. Overturning the FCC's net neutrality rules, would "raise questions as to whether innovation on the Internet will be allowed to flourish, consumers will be protected from abuses, and the democratic spirit of the Internet will remain intact," the Obama Administration said in a statement.

House Republicans already have attached an amendment to a sweeping spending bill that would bar the FCC from using government money to implement the new rules.

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Citation: Court dismisses challenges to FCC Internet rules (2011, April 4) retrieved 27 April 2024 from <https://phys.org/news/2011-04-court-dismisses-fcc-internet.html>

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