

US renews 'Open Internet' push after court order (Update 2)

February 19 2014, by Rob Lever

US regulators called Wednesday for new "open Internet" rules following a court ruling that struck down much of the so-called "net neutrality" provisions.

Federal Communications Commission officials said that even though a federal court invalidated the rules that banned broadband Internet providers from discriminating or playing favorites for online services, last month's ruling provided a "blueprint" for a new set of regulations.

"Preserving the Internet as an open platform for innovation and expression while providing certainty and predictability in the marketplace is an important responsibility of this agency," FCC Chairman Tom Wheeler said in a statement.

The FCC said it would not appeal the January 14 ruling by the US Court of Appeals for the DC Circuit in Washington, but instead craft new rules that achieve the goals of equal treatment for online services.

The net neutrality rules aimed at preventing big telecom operators from blocking or slowing online offerings like Netflix or YouTube, while promoting services of their own partners.

The court decision was "an invitation for the commission to act to preserve and protect a free and open Internet," a senior FCC official told reporters in a telephone briefing.

The official said the ruling gives the FCC the ability to devise new rules with a more solid legal foundation, guaranteeing equal access for so-called "edge providers" like Netflix.

The court used a narrow legal justification for striking down the 2010 rules, saying the FCC court does not regulate broadband providers like Verizon and AT&T as "common carriers" or public utilities.

But Wheeler said the court affirmed the agency's "legal authority to issue enforceable rules of the road to preserve Internet freedom and openness."

"We now have from the DC Circuit (court) a blueprint for effective action," the senior FCC official said.

Seeking 'unblocked access'

Verizon, which brought the lawsuit against the FCC, will not appeal the ruling either, a source familiar with the matter said.

Asked about the FCC initiative, Verizon spokesman Ed McFadden said in an email, "Verizon remains committed to an open Internet that provides consumers with competitive choices and unblocked access to lawful websites and content when, where and how they want.

"We have always focused on providing our customers with the services and experience they want, and this focus has not changed," McFadden said.

The FCC move drew praise from advocates of net neutrality, who fear a lack of regulation could choke off new and innovative services.

"We are pleased that the FCC plans to protect Internet openness,

promote transparency, encourage municipal broadband and achieve other goals," said Gene Kimmelman, president of the consumer activist group Public Knowledge.

"The recently proposed acquisition of Time Warner Cable by Comcast makes it even more important for the Commission to move expeditiously to reinstate nondiscrimination rules by using all regulatory tools available."

Sarah Morris at the New America Foundation urged the FCC to go further and reclassify broadband firms for tighter regulation.

"The strongest path forward to preserve net neutrality protections and to achieve other important FCC objectives is to reclassify broadband as a telecommunications service," she said.

Everett Ehrlich, a consultant and senior fellow at the Progressive Policy Institute, said the FCC needs to bring the parties together to work out new rules that could allow different pricing for different content.

In the process, the FCC's Wheeler should call for "greater efficiency, lower costs to consumers and more innovation through market-based tiered service," Ehrlich said.

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