

USTelecom, Texas Internet provider sue over net neutrality

March 25 2015, byTali Arbel

The FCC says the first lawsuits filed against the government's new Internet traffic rules are "premature" and may be dismissed because they were filed too early.

The Federal Communications Commission's new rules on broadband service are meant to uphold "net neutrality," and so prohibit providers such as Comcast and Verizon from slowing or blocking Web traffic and from charging companies such as Netflix for special, faster access to customers. The FCC is toughening its oversight of Internet providers by classifying the Internet as a "telecommunications service" rather than an "information service."

The United States Telecom Association, an industry group that represents companies including AT&T and Verizon, and Alamo Broadband Inc., a small Internet provider in Texas, both filed lawsuits to block the rules Monday. USTelecom said the new rules violate federal law, including the Constitution. Alamo Broadband said the new rules regulating broadband are outside the FCC's authority.

The Internet rules will take effect 60 days after they are published in the Federal Register if a court does not delay them. That publication hasn't happened yet.

USTelecom said it filed its suit with the U.S. Court of Appeals for the District of Columbia "as a precautionary move" in case it's legally necessary to file in a specific window following the FCC's release of the

rules rather than after the rules are published. USTelecom said it will also appeal the new rules after they are published in the Federal Register if necessary. Alamo, too, said it filed its petition, with the Fifth Circuit Court of Appeals in New Orleans, "in an abundance of caution."

In January 2011, Verizon sued over Internet traffic rules before they were printed in the Federal Register, and a court dismissed the suit as premature. Verizon filed again later that year, and a federal appeals court overturned the FCC's rules in 2014.

In an emailed statement Wednesday, the FCC said the two lawsuits filed Monday were "subject to dismissal."

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