



The Who and What of Net Neutrality in Two Minutes or Less

March 9, 2015

The Federal Communications Commission (FCC) recently voted 3-2 to treat the internet like a public utility, embracing the concept of "net neutrality." Has the FCC struck a blow for consumer rights? The jury is still out.

The FCC will use its authority to regulate broadband service providers as common carriers to prohibit the blocking, throttling or paid prioritization of web traffic. In other words, if the internet is a super highway of information, net neutrality will not allow for the creation of faster lanes for companies willing to pay higher prices.

Opponents point out how well the internet has operated to date without regulation of its infrastructure. They are convinced that this is an unnecessary return to days when the federal government set rates and standards for Ma Bell, "the Telephone Company" to Americans in past years.

Netflix just recently negotiated a deal with an Australian broadband provider so that consumer streaming of its programs there will not count against individual data limits. Would this be permitted in the US, or would it violate the FCC's view of net neutrality? We shall see.

The debate is not over; it is just in its next phase. Congress may pass legislation to challenge the FCC's assertion of authority, but the President has promised to veto it. The courts will also have their say.

If you have questions, please contact your Lathrop Gage attorney or the attorney listed above.