

In Net Neutrality Plan, F.C.C. Chief Sees Internet Service Regulated as Public Utility

Photo



The Internet regulations proposed by Tom Wheeler, head of the Federal Communications Commission, will give the commission strong legal authority to ensure that no content is blocked. Credit Jose Luis Magana/Associated Press

The chairman of the Federal Communications Commission proposed on Wednesday regulating Internet service into American homes as a public utility, saying it was the right path to ensure so-called **net neutrality**, or an open Internet.

The plan calls for high-speed Internet service to be reclassified as a telecommunications service, instead of an information service, under Title II of the Telecommunications Act. But the chairman, Tom Wheeler, is taking what is called a light-touch approach, adopting a handful of its crucial provisions and tossing out

others.

The provisions in the proposed open Internet order, the F.C.C. said, will give the commission strong legal authority to ensure that no content is blocked and that the Internet is not divided into pay-to-play fast lanes for Internet and media companies that can afford it and slow lanes for everyone else. Those prohibitions are hallmarks of the net neutrality concept.

Mr. Wheeler announced the basics of his plan in an [op-ed article on Wired's website](#) on Wednesday morning and agency officials will elaborate at a briefing later in the day.

Mr. Wheeler was widely expected to take the Title II approach, after President Obama in November publicly called on the F.C.C. to adopt the “strongest possible rules” on net neutrality and reclassify high-speed broadband service as a utility.

But the chairman's proposal Wednesday added details, like a framework for regulation that includes the ability to enforce certain consumer protections, like privacy, and Internet service for people with disabilities and in remote areas.

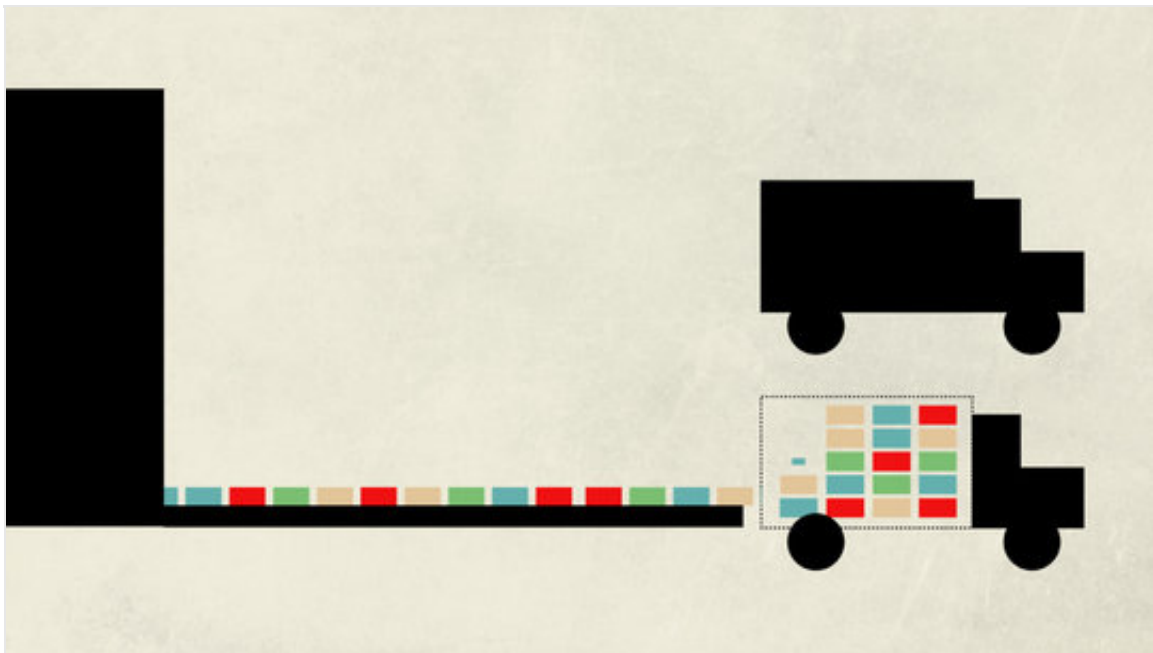
Mr. Wheeler also plans to place mobile data service under the open Internet order and its Title II powers. Since the 1990s, mobile voice service has been regulated under Title II, using the light-touch model Mr. Wheeler intends to apply to broadband Internet service. That approach, for example, has shunned the regulation of pricing decisions made by cellphone operators and most business dealings between private companies to manage their mobile networks.

Mr. Wheeler's proposal will undoubtedly set off further debate and lobbying. Republicans in Congress recently proposed legislation that would prohibit content blocking and the creation of fast and slow lanes on the Internet, but would prevent the F.C.C. from issuing regulations to achieve those goals.

The opponents of utility-style rules are led by the cable and telecommunications companies, which are the main broadband suppliers to homes. They regard the approach as opening a door to heavy-handed regulation that will deter investment and innovation, ultimately harming consumers.

Supporters of the Title II model include major Internet companies like Google, Facebook, Amazon and Netflix, as well as start-up companies and many public interest groups. They see the strong rules as a necessary safeguard because the Internet is increasingly the essential gateway of communication and commerce in modern life. A robust regulatory framework, they say, will ensure continued innovation in business and diversity of expression.

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How Net Neutrality Works

The future of protecting an open Internet has been the subject of fierce debate, and potential changes to the rules by the Federal Communications Commission could impact your online experience.

Video by Natalia V. Osipova and Carrie Halperin on Publish Date May 15, 2014.

The full commission must approve Mr. Wheeler's proposal when it votes on Feb. 26.

But the commission typically decides major decisions by 3-2 votes, with the two other Democrats joining Mr. Wheeler.

If approved, the proposed order will almost surely become grist for a protracted courtroom battle. Already this week, in anticipation of Mr. Wheeler's proposal, the opponents were preparing their legal arguments to challenge the F.C.C. order.

In a blog post this week, Hank Hultquist, vice president for federal regulatory affairs for AT&T, described the likely legal challenges to classifying Internet access companies as common carriers and concluded that those who "assume Title II rests on bulletproof legal theories are only deceiving themselves."