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Group C

Net Neutrality: Internet

Originally, our group had 3 candidates to choose from for our [Net Neutrality: Internet] case study. Verizon v. FCC, Mozilla v. FCC, and Comcast v. FCC. Our presenter Alisha Bajaj originally wanted to do Mozilla v. FCC because she found the case the most interesting of the three. Mozilla v. FCC involved the FCC issuing a rollback on the 2015 Open Internet Order by reclassifying telecommunication’s companies as “information services” and therefore giving telecommunications company’s free reign to implement tiered internet. Comcast v. FCC involved Comcast blocking/discriminating the bandwidth of p2p sites like BitTorrent. The FCC took Comcast to court over this violation of open internet access. In the end, we chose Verizon v. FCC because it was by far the most impactful case on the status of net neutrality. It simply had the greatest scope of our three candidates. To find out the details of Verizon v. FCC, please read my research below or look at our presenter’s video.

I helped presenter Alisha Bajaj by first sending an e-mail to approve our case: Verizon Communications v. FCC. The email can be found below in the bolded “**Approval email**” block. Once our case was approved, I checked the google sheet and asked Alisha what she needed for her presentation. Here is her request:

“*For Verizon Communications v. FCC, can you help me research the timetable of major events/decisions made in this case, the technical details of what was impacted due to this case, and what laws/rights, if any, were violated by the FCC in this case? Thank you!”*

I helped with the research by going over the case and then e-mailing a timetable of major events/decisions, technical details, and what laws/rights were violated by the FCC. The research I sent her can be founded below the “**Approval email**”.

**Approval email**

Options and Rationale: Verizon Communications v. FCC

            Group 3 would like to choose Verizon Communications v. FCC as our case study for Net Neutrality: Internet. The reason for choosing Verizon Communications v. FCC is that it is one of the most impactful cases related to net neutrality. Net neutrality is the principle that all data on the internet should be treated equally, and that providers should not be allowed to cap data or even block non-criminal network traffic. The FCC tried to regulate the internet and enforce net neutrality via regulations, predominately the Open Internet Order of 2010. Internet service providers like Verizon argued that net neutrality kills innovation and that it is not financially fair to charge everyone the same price for the same internet. This case is notable because Verizon fought and managed to beat the FCC in court. The decision played a major role in shaping the internet for years to come. We believe this is a very interesting case study because of its impact, its long lasting legacy, as well as the interesting arguments in favor of and against net neutrality.

**Timeline**

-Communications Act of 1934 was signed on Jun 19, 1934. This act not only led to the creation of the FCC, but will play a major role in Verizon’s victory over the FCC decades later.

-Telecommunications act of 1996 was signed on Feb 9, 1996. This law is an update to the 1934 law. Due to the emergence of the internet, this law was created to broaden the 1934 law.

- March 14, 2002, the FCC classifies cable modem service as “information service” under title I of the communications act of 1934.

-Dec 21, 2010: FCC enacts the Open Internet Order.

-Jan 20, 2011: Verizon sues the FCC, claiming that the Open Internet Order violates Verizon's constitutional rights.

-September 9, 2013: Case taken to the United States Court of Appeals FOR THE DISTRICT OF COLUMBIA -- January 14, 2014: Court sides with Verizon.

**Technical details**

The communications act of 1934 consists of 7 titles which groups various communication services and how they should be regulated. The 1934 act also led to the creation of the FCC as well as what powers and authority they have. Title I and II are the most relevant to this case. In March 14, 2002, the FCC classified Verizon and other internet service providers as “information service” under title I of the telecommunications act of 1934.

**Definition of “information service”.**

Title I section 3-20 of the communications act of 1934 defines information service as: “*The term ''information service'' means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.”*

**Title I and II and w**

The main difference between title I and title II in this case is that it is much more difficult for the government to regulate entities under title I. Prior to 2002, telecommunication companies were classified under title II. Had Verizon still been classified under title II, the FCC likely would have won. The court found that the FCC overstepped their authority in trying to regulate Verizon. 2 of the 3 main orders of the 2010 Open Internet Order were nullified. These 2 orders are:

**No blocking.** *Fixed broadband providers may not block lawful content, applications, services, or non-harmful devices; mobile broadband providers may not block lawful websites, or block applications that compete with their voice or video telephony services; and iii.*

**No unreasonable discrimination.** *Fixed broadband providers may not unreasonably discriminate in transmitting lawful network traffic.*