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March 4, 2020

Unit 3 Assignment

CYBR 4400

Restoring Internet Freedom

**Step 1**

The FCC’s Restoring Internet Freedom report aims to discuss transparency rules foe network neutrality in order to establish new rules that better fit the goals established under Title II of the Telecommunications Act of 1934. The call on the bipartisan commitment made during the Clinton era that promised “free and open Internet by rejecting government control of the Internet.” [1] The 2018 report calls for reversal of “the Commission’s abrupt shift two years ago to heavy-handed utility-style regulation of broadband Internet access service.”[1] The new report outlines rules and regulations that allow for “light-touch framework” where free and open Internet is available to all consumers. They aim to eliminate regulation that prevents innovation and investment and allow for consumer choice in Internet services. The FCCs report focuses on giving individual consumers have the ability to confidently choose their broadband Internet access service to best fit their needs and what they look for in the service.

**Step 2**

The 2015 net neutrality policies included reclassification of broadband Internet access services as a telecommunications service that followed regulatory obligations under Title II. They also adopted rules prohibiting “blocking, throttling, and paid-prioritization” and enhancing “transparency rules”. The 2018 report aims to reverse this reclassification and remove the regulatory style that was adopted in 2015 policies. They hope the new policies they implement regarding transparency follow the Commission’s definition of “interconnected service” and follow a light-touch framework that promotes innovation and investment. These policies are also likely to help with cost of services and individual consumer ability to choose their Internet service.

The new policies require ISPs to be transparent, including disclosure of “management practices, performance, and commercial terms of service”. [1] The goal of this change in transparency policy aims to give individual consumers choice in Internet access service based on providers that best fit their needs. This is also said to enable and encourage entrepreneurs and small businesses to innovate and look for investments.

The new policies also eliminate the Commission’s conduct rules. These rules have proved to be unnecessary and have not been as applicable as they hoped in the 2015 changes of policy. The FCC has not been able to identify sources of authority and cannot justify the rules that were adopted in the Title II order. They also believe that the negative impact of these rules on innovation and investment greatly outweigh the benefits that they were supposed to have. Furthermore, these rules were seen as unnecessary when combined with the new transparency requirement. Combined with antitrust and consumer protection laws, consumers are given the necessary ability to take action against ISPs with behavior that is inconsistent with the rules and regulations for open Internet.

**Step 3**

ISPs provide the main technology used in the policies that are outline in these FCC reports. The service they provide is considered a universal service and therefore must be available at “just and reasonable” and “non-discriminatory” rates for all consumers. The availability of Internet can therefore be very controversial and FCC regulations and policies keep this in check. FCC policies clearly outline transparency in ISPs but the 2018 policies also include consumer ability to keep this transparency in check. Behaviors that fail to adhere to open Internet policies can easily be reported, allowing for consumers to keep their Internet freedom.

**Step 4**

The 2010 policies regarding transparency rules rejected Title II due to its “heavy-handed” regulation policies. Instead, the policies relied on section 706 of the Communications Act, establishing policies against blocking and unreasonable discrimination. They also included a requirement where ISPs must “publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services.” This is very similar to the 2018 policies regarding ISP transparency that are outline in the report.

The 2015 policies as well as the 2010 policies include that nonbroadband Internet access services do not fall under the same category as broadband services. The 2015 policies, as stated before, reclassified broadband Internet service as a telecommunications service under Title II, resulting in many regulatory obligations that prevented innovation and investment as well as open access to Internet services.

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|  | **2010** | **2015** | **2018** |
| **Title II** | Rejects Title II, stating it as heavy-handed and preventing open Internet Access. | Accepts Title II regulatory obligations, stating it is necessary in order to regulate the service provided by ISPs. | Rejects Title II, stating it as heavy-handed and preventing open Internet Access. |
| **ISP Transparency** | ISPs must disclose all information regarding practices, performance and commercial terms of service.  Policies against block and unreasonable discrimination. | Rules prohibiting blocking, throttling, and paid prioritization that also enhance transparency rules. Continuation of heavy-handed regulation of ISPs. | ISPs must disclose all information regarding practices, performance and commercial terms of service.  Added bright-line rules against blocking, throttling, and paid-prioritization. |
| **Conduct Rules** | Not outlined in the 2018 report. | Strict conduct rules meant to keep ISPs in check to make sure they do not go against rules established for open Internet access. | Remove the conduct rules from the 2015 policies. The 2018 report finds them unnecessary with the renewed transparency rules combine with antitrust and consumer protection laws. Consumers are given the ability to report behavior that do not meet transparency rules. |

**Step 5**

The focus of the 2018 policies are to establish and encourage open Internet and consumer choice in broadband Internet access service. Their reversal of 2015 policies as well as inclusion of 2010 policies achieves this goal. By including 2010 policies that allowed for less regulation and more consumer and ISP freedom, while also adding to these policies, the 2018 report clearly achieved goals of promoting innovation and investment.

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|  | **2010** | **2015** | **2018** |
| **Open Internet/Consumer Choice** | The 2010 policies do not focus as much on consumer choice of service as much as the 2018 policies do, but since they are very similar, they provide similar levels of individual consumer choice. | The 2015 policies focus more on regulation, which goes against ideas of open internet. ISPs have more chances to dominate consumer choice through these regulations. | The 2018 policies focus on open Internet and consumer choice, stating that light-handed regulation allows for consumers to have freedom of choice in broadband services. |
| **ISP Behavior** | The 2010 policies discuss ISP transparency but are not clear about consumer ability to report ISP behavior not adhering to regulation. | ISP behavior is regulated through specific rules and regulations against blocking, throttling, and paid prioritization. They do not state consumer ability to report problematic ISP behavior. | The 2018 policies model 2010 policies and state that consumers have clear methods to report ISP behavior that fail to adhere to regulation. |
| **Innovation/Investment** | The 2010 policies do not discuss effects on innovation and investment in as much detail as the 2018 policies. | The 2015 policies include Conduct policies that the 2018 report states prevent innovation and investment. | The 2018 policies clearly state that their goal is to promote innovation and investment through their reversal of 2015 rules and policies. |

[1] FCC, “2019 RESTORING INTERNET FREEDOM,” Federal Communications Commission, FCC 17-166, Dec. 2017.