



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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JOINT STATEMENT OF COMMISSIONERS ROBERT M. McDOWELL AND MEREDITH A. BAKER

Today the Commission embarks on a journey to cross a regulatory Rubicon by classifying Internet access service as traditional telephone service under Title II of the Communications Act. This proposal is disappointing and deeply concerns us. It is neither a light-touch approach nor a third way. Instead, it is a stark departure from the long-established bipartisan framework for addressing broadband regulation that has led to billions in investment and untold consumer opportunities. It also poses serious ramifications across the globe.

After several government investigations, no evidence of systemic failure in the broadband market has been presented to justify this new, more onerous regulatory regime. Additionally, without a specific mandate from Congress, the appellate courts are likely to hand the Commission another stinging rebuke for attempting to shatter the boundaries of its statutory authority. This proposal risks the credibility of our institution: Government agencies simply cannot create new legal powers beyond those granted by Congress.

In the interim, as the Commission has been warned by a wide variety of investors, an attempt to foist burdensome rules excavated from the early-Ma Bell-monopoly era onto 21st Century networks will usher in a tumultuous new age of regulatory uncertainty that will inhibit the investment of risk capital America badly needs to improve and expand our broadband infrastructure and create jobs.

Fundamentally, this dramatic step to regulate the Internet is unnecessary. The recent *Comcast* decision leaves the Commission with ample authority to implement the most important portions of the National Broadband Plan, should it choose to do so. We look forward to learning from the debate and remain hopeful for a fair, transparent and efficient process that leads to a final decision well rooted in both the facts and the law.

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