

Debunking Chairman Pai's Claims about Net Neutrality

Prepared by the Office of FCC Commissioner Clyburn

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As an unwavering champion of net neutrality, FCC Commissioner Mignon Clyburn believes in setting the record straight. Chairman Pai made a number of claims and predictions in his dissent from the FCC's *2015 Open Internet Order*.

Just how good were the Chairman's predictions? Let's take a closer look:

Chairman Pai: *The 2015 Open Internet Order seizes unilateral authority to regulate Internet conduct, to direct where Internet service providers put their investments, and to determine what service plans will be available to the American public.*

False. The Order in fact kept your broadband provider from blocking, throttling (slowing down), paving tollways on their network or at the point of interconnection, and interfering with the ability of content and customers to reach one another. No regulation of the Internet writ large (this is clear and obvious), no investment prescription, and no service plan determinations.

Chairman Pai: *It is a radical departure from the bipartisan, market-oriented policies that have served us so well for the past few decades.*

False. In fact, Republican Chairmen have supported substantive net neutrality protections, that is, up until this Administration.

Chairman Pai: *Courts will not countenance this unlawful power grab.*

False. The D.C. Circuit twice upheld the 2015 Order and rejected all of the statutory interpretation arguments Chairman Pai raised in his dissent (which he raises again in the draft *Destroying Internet Freedom Order*).

Chairman Pai: *The Order will countenance price regulation.*

False. No broadband prices have been regulated in the years since the Order was adopted. Nor were any mobile voice prices regulated in the decades in which the same framework applied to mobile voice service.

Chairman Pai: *The conduct rules give the FCC a roving mandate to upend pricing plans that benefit consumers.*

False. No pricing plans were ever upended.

Chairman Pai: *Decisions about network architecture and design will no longer be in the hands of engineers but bureaucrats and lawyers.*

False. Decisions about network architecture and design have remained firmly in the hands of engineers. No FCC action has ever mandated Internet network design.

Chairman Pai: *If an ISP wants to follow in the footsteps of Google Fiber and enter the market incrementally, the FCC may say no.*

False. No broadband entry regulation has been imposed by the FCC.

Chairman Pai: *The FCC's forbearance from multiple provisions of Title II and regulations is temporary.*

False. The FCC has not undone any forbearance granted in the Order.

Chairman Pai: *There will be new broadband universal service fees assessed.*

False. No new broadband universal service fees have been assessed.

Chairman Pai: *There will be slower broadband speeds.*

False. Broadband speeds have continued to increase amid new investment by broadband providers.

Now you decide how good these predictions were.

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