

FACT SHEET: *FCC Chairwoman Rosenworcel Proposes to Restore Net Neutrality Rules*

Proposes to Re-Establish FCC's Authority Over Broadband Providers Under Title II

“In the wake of the pandemic and the generational investment in internet access, we have a window to update our policies to make sure that the internet is not only open, but fast and fair, safe and secure. I am committed to seizing this opportunity. Now is the time for our rules of the road for internet service providers to reflect the reality that internet access is a necessity for daily life. Let’s get to it.”

– FCC Chairwoman Jessica Rosenworcel.

FACT SHEET

Overview

The internet is too important to our society and economy not to have effective oversight. However, in 2018, the FCC abdicated its authority over broadband and repealed net neutrality. Today, FCC Chairwoman Jessica Rosenworcel shared with her colleagues a proposal that would begin the process of re-establishing the FCC’s oversight over broadband and restoring uniform, nationwide net neutrality rules, which would allow the FCC to protect internet openness and consumers, defend national security, and advance public safety.

What is being proposed

The Chairwoman is proposing the FCC take the first procedural steps toward reaffirming rules that would treat broadband internet service as an essential service for American life. As work, healthcare, education, commerce, and so much more have moved online, no American household or business should need to function without reliable internet service. This was especially true during the pandemic. Such rules would affirm—under Title II of the Communications Act—that broadband service is on par with water, power, and phone service; that is: essential.

The proposed rules would return fixed and mobile broadband service to its status as an essential “telecommunications” service. The proposal will be made public and will allow for public input. The proposal seeks to largely return to the successful rules the Commission adopted in 2015.

How It Helps Consumers

- **Openness** – Establish basic rules for Internet Service Providers that prevent them from blocking legal content, throttling your speeds, and creating fast lanes that favor those who can pay for access.
- **Security** – Reclassify broadband internet access to give the FCC and its national security partners the tools needed to defend our networks from potential security threats.
- **Safety** – Allow the FCC to enhance the resiliency of broadband networks and bolster efforts to require providers to notify the FCC and consumers of internet outages.
- **Nationwide Standard** – Establish a uniform national standard rather than a patchwork of state-by-state approaches, benefiting consumers and Internet Service Providers.

Facts

- Since the adoption of a policy statement in 2005 affirming net neutrality principles until 2018, it was the clear policy of the FCC across administrations that it would enforce open Internet standards.
- Without this authority, no federal agency can effectively monitor or help with broadband outages that threaten jobs, health, education, and safety.
- Open internet policies protect Americans' freedom and their speech, only enshrining limits on broadband companies' ability to limit consumer and business activities.
- The rulemaking specifically proposes to forbear from 26 provisions of Title II and more than 700 Commission rules that might pose a threat to network investment or are unnecessarily burdensome. Accordingly, policies like rate regulation and network unbundling would be strictly prohibited.

Background

- 2004: President Bush's first FCC Chair [challenged](#) the broadband network industry to preserve "Internet Freedoms."
- 2005: FCC issues Policy Statement affirming open internet principles.
- 2008: President Bush's second FCC Chair tried to [enforce](#) these principles when Comcast "unduly squelche(d) the dynamic benefits of an open and accessible Internet."
- 2010: The D.C. Circuit vacated the Comcast enforcement action, saying the FCC lacked legal jurisdiction.
- 2010: FCC [adopts](#) compromise net neutrality rules "rooted in ideas first articulated" by the prior Chairs.
- 2014: D.C. Circuit overturns the 2010 rules in *Verizon v. FCC* on grounds that the rules were only grounded in authority granted by Section 706 of the Act and not also Title II.
- 2015: FCC [adopts](#) rules enshrining the open internet principles under Title II.
- 2016: D.C. Circuit affirms the 2015 rules in their entirety.
- 2018: After a change in administration, FCC abdicates open internet rules and authority over the internet entirely.
- 2019: D.C. Circuit allows abdication to move forward but overturns the FCC's attempted preemption of state open internet rules, and criticizes its treatment issues including public safety.
- 2020: California's net neutrality law goes into effect, and along with other state laws and orders, broadband providers must comply with a patchwork of state regulations.
- 2023: Chairwoman Jessica Rosenworcel proposes to reclassify broadband under Title II and reintroduce uniform, nationwide open internet rules.

Process

The Chairwoman shared with her colleagues a Notice of Proposed Rulemaking. If adopted by a vote of the full Commission at its monthly meeting on October 19, 2023, the agency will begin a new rulemaking to take public comment and reply comments on the proposal. Any person or organization can file comments and see others' comments at <https://www.fcc.gov/ecfs>. After a review of that public record, the Chairwoman can decide whether and how to proceed, including adopting final rules which would also require a majority vote of the bipartisan FCC.

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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. Cir. 1974).