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## **DID YOU KNOW?**

### **Ten Facts About Net Neutrality Protections**

*“The pandemic made it crystal clear that broadband is no longer nice-to-have; it’s need-to-have for everyone, everywhere. It is not a luxury. It is a necessity. It is essential infrastructure for modern life. No one without it has a fair shot at 21st century success. We need broadband to reach 100 percent of us—and we need it fast, open, and fair.”*

*-Jessica Rosenworcel, FCC Chairwoman*

- 1. BROADBAND IS ESSENTIAL - A lot has changed since the previous FCC repealed net neutrality.**
  - Essential Service - A devastating pandemic reaffirmed the essential nature of broadband access to protect the health and economic security of all Americans.
  - Broadband Network Threats - New and emerging threats have arisen in the national security space that necessitate stronger oversight of broadband network vulnerabilities.
  - Public Safety Challenges - Currently, no federal agency can effectively monitor or address broadband outages that, in a post-pandemic world, can threaten jobs, education, health, and public safety.
  
- 2. ABDICATED OVERSIGHT - The 2017 FCC approach was not “light touch.” It was a complete abdication of authority.**
  - ‘Disregard of Its Duty’ - In its remand of the FCC’s decision to roll back net neutrality, the D.C. Circuit Court found the agency’s “disregard of its duty to analyze the impact of the public safety renders its decision arbitrary and capricious.”
  - States Step Up as FCC Steps Down - When the previous FCC stepped back from net neutrality protections, the court said states could step in. Despite the heroic efforts by individual states to provide robust oversight in response to the previous FCC’s retreat from authority, we need a national standard to keep internet access fast, open, and fair.
  
- 3. TARGETED APPROACH - Chairwoman Rosenworcel’s approach is targeted, not heavy-handed.**
  - Experience Is Evidence - The 2015 rules on which today’s proposal is modeled did not result in heavy-handed regulation.
  - No Rate Regulation - The proposal does not allow for rate regulation of broadband service. Chairwoman Rosenworcel recognizes competition is the best way to bring down rates for consumers and believes affordability is best achieved by investing in successful approaches like the Affordable Connectivity Program.
  - Enhancing Online Freedoms - The FCC has no authority or interest to police online speech. On the contrary, freedom of speech will be enhanced by open

internet protections, because they will prevent broadband providers from blocking or disfavoring any type of online speech.

**4. PANDEMIC LESSONS - Comparing anecdotal evidence of broadband reliability during the pandemic between the U.S. and Europe is like comparing apples to oranges.**

- Limited Evidence - There is no evidence to claim the U.S. fared better than Europe during the pandemic. The reality is that, without Title II oversight over broadband, the FCC and others are limited to the data they can collect on broadband network outages.
- Harsh Lessons - During the pandemic, millions of Americans shared stories of the challenges they faced to access the internet and remain connected. [Reports](#) of students and families sitting outside shuttered libraries and coffee shops to pick up a free Wi-Fi signal can hardly be considered a success.

**5. BROADBAND OUTAGE OVERSIGHT – Title II would bolster FCC authority to require internet service providers to address internet outages.**

- Lack of Internet Outage Data - While anecdotal evidence points to devastating internet service disruptions during the pandemic in the U.S., Title II authority is needed to fully understand when and how service providers are responding to internet network outages.
- Outage Reporting - When the FCC backed away from broadband oversight, the only mandatory outage reporting system is focused on long distance voice outages. In a modern economy—and specifically after a pandemic that highlighted the importance of internet connectivity—collecting only data of when the voice system goes down does not cut it.

**6. JUDICIAL TRACK RECORD - The record shows that the FCC’s ability to adopt net neutrality protections can pass judicial muster.**

- Clear Statutory Authority - The courts have previously ruled that the FCC has clear authority to enforce open internet policies if broadband internet is classified as a Title II service.
- Prior Court Approval of Same Approach - If final rules are challenged in court, challengers will have to grapple with the fact that the D.C. Circuit has previously upheld the Commission taking that same course of action.

**7. THE INVESTMENT MYTH - Restoring the FCC’s oversight authority over broadband networks would not delay new broadband investments and innovation.**

- Technology & Competition Drives Investment - As they’ve told their investors, broadband companies plan their investments years in advance, based on technological and competitive developments, not FCC regulation.
- Public Investment in Broadband - The federal government and states have made massive investments to close the digital divide, particularly after the pandemic showed how essential broadband is to our daily lives. Broadband companies will continue to receive that funding and be legally obligated to build out regardless of what the FCC does.
- Title II Eases Deployment - Title II reclassification will help hasten broadband deployment by allowing broadband-only providers to access utility poles and other infrastructure and will also give the Commission additional tools to help address broadband competition in apartment buildings.

**8. BROADBAND NETWORK SECURITY - Without broadband oversight, the FCC is unable to monitor and respond to critical national security threats.**

- Interagency Coordination - The FCC is actively involved in federal interagency cybersecurity planning, coordination, and response activities. The expert agency with network experience must have a seat at that table. But without reclassification, the FCC has limited authority to incorporate updated cybersecurity standards into our network policies.
- Section 214 for Broadband - The FCC's section 214 authority—which provides the agency with the ability to monitor and mitigate the existence of bad actors in telecommunication systems—does not extend to broadband. This means that the agency's bipartisan, successful work to deny access by foreign-owned companies deemed a national security threat to our nation's communication networks is severely limited.
- Internet Routing Vulnerabilities - In addition, the FCC has been closely working with other federal agencies on the best way to identify [Broadband Gateway Protocol \(BGP\)](#) vulnerabilities and mitigate risks, a process that would be strengthened through Title II reclassification by providing the agency with the clear and direct authority to act in close coordination with other agencies.

**9. CONSUMER DATA PROTECTION - Net neutrality protections would increase the tools the FCC has available to protect consumer data and respond to evolving consumer threats.**

- 'Telecommunication' Services Have Privacy Responsibilities - The law requires telecommunications providers to protect the confidentiality of the proprietary information of their customers. That means that these providers cannot sell your location data, among other sensitive information.
- Extending Consumer Privacy Protections to Broadband - Those privacy protections currently extend to phone service customers but not broadband subscribers, because Title II does not cover the latter. That means broadband providers can currently sell your tracking data to be used for new artificial intelligence models without your permission.
- Robocalls & Robotexts via Broadband Networks - Robocalls and robotexts are a big source of consumer complaints at the FCC, but bad actors are constantly evolving their techniques to reach us with their scams and fraud. Title II authority would give the agency the maximum flexibility to counter this threat—and evolve our approaches as technology changes.

**10. OUR WORK CONTINUES- The FCC is doing a lot more than just focusing on net neutrality.**

- Broad Agenda - Chairwoman Rosenworcel has put forth [several other proposals](#) for the upcoming October agenda, including a measure that would [expand Wi-Fi access on school buses](#) for students in rural areas with long commute rides, and updates to make [life-saving emergency alerts](#) more accessible.
- Protecting Consumers - She has also made protecting consumers a top priority, going after bad actors who target vulnerable Americans through [robocalls and robotexts](#), as well through [a recent proposal](#) that would ensure consumers get a refund if their TV goes out for longer than 24 hours.

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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).*