



Supreme Court to Review FCC Decision Providing Consumers with Open Access to the Internet



February 26, 2015, CT delegation with FCC Chair Tom Wheeler and Gigi Sohn, Counselor to the Chairman and former President and CEO of Public Knowledge. (l-r: Vallee, Lembo, Wheeler, Bye, Sohn, and Katz)

Consumer Counsel Katz has consistently supported an Open Internet (“net neutrality”) and she was invited along with other CT telecom leaders by FCC Chair Tom Wheeler to D.C. to witness the announcement of the FCC’s February 26, 2015 decision to reclassify wireline and wireless broadband access service as a “Telecommunications Service” and to use the authority of Title II of the Communications Act to impose network neutrality rules.

The battle for net neutrality has gone on for many years, but the upcoming term of the Supreme Court of the United States (SCOTUS) may well finally bring closure and relief for all consumers, with a decision that the FCC’s decision is correct in holding that consumers should be able to access all content, applications, and sources of information, while also preventing Internet service providers from blocking access to any online services or websites.

SCOTUS will soon decide whether or not to accept a challenge from incumbent telecommunication providers to the FCC's decision net neutrality decision, which was upheld by the U.S. Court of Appeals for the D.C. Circuit on June 14, 2016. This question arose because some internet providers sought to limit unfettered access to the internet by engaging in preferential treatment of their own services, thus decreasing market competition, and creating discriminatory treatment of competing websites.

The FCC opened a docket to investigate this situation and 4 million Americans filed comments that the FCC order regulations declaring a presumption of network neutrality. At the February 26, 2015, the FCC accordingly held that incumbent providers must allow their customers to have full and equal access to lawful content on the internet, and to not use their market power to create preferential behavior to specific services or websites (e.g., charging fees to some sites, providing slower speeds on competing sites, or misdirecting users to their own sites).

It is that vital principle that will be finally be decided in the coming months when the Supreme Court rules on the DC Circuit affirmative holding that the FCC's decision was lawful.



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