

MEDIA MENTION

Wiley Rein Appellate Brief for Net Neutrality Petitioners Draws Media Coverage

Law360

July 31, 2015

A joint petitioners' brief filed by Wiley Rein on behalf of two clients was cited by *Law360* yesterday in its coverage of the D.C. Circuit challenge to the net neutrality rules adopted earlier this year by the Federal Communications Commission (FCC).

The FCC's Open Internet Order, which took effect in June, regulates broadband Internet access service as a telecommunications service under Title II of the Communications Act. Wiley Rein's clients are among a group of petitioners urging the U.S. Court of Appeals for the District of Columbia Circuit to vacate the Open Internet Order.

Authoring the brief on behalf of a Texas broadband provider and a developer of Internet communications services, Wiley Rein noted that Title II expressly allows for "different charges" for "different classes" of Internet service, and argued that the new rules violate the First Amendment.

As quoted in *Law360*, the brief explained that "Broadband providers are speakers because they engage in speech, and they exercise the same editorial discretion as cable television operators in deciding which speech to transmit. The rules are subject to strict scrutiny because they compel providers to carry all speech, including political speech with which providers disagree."

The joint brief was authored by firm Chairman Richard E. Wiley, who also chairs the Telecom, Media & Technology Practice; Communications Appellate & Litigation Practice chair Andrew G. McBride; and partners Bennett L. Ross, Brett A. Shumate, and Eve Klindera Reed.

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