

ALERT

The FCC Releases Its Restoring Internet Freedom Order

January 5, 2018

On January 4, 2018, the Federal Communications Commission released its Declaratory Ruling, Report and Order, and Order (Order), which seeks to “end utility-style regulation of the Internet in favor of the market-based policies necessary to preserve the future of Internet freedom.”

The Order reverses much of the FCC’s March 2015 *Title II Order* and restores the “light-touch” regulatory framework that existed prior to 2015 by reclassifying broadband Internet access service as an information service. In addition, the Order: (1) reinstates the private mobile service classification of mobile broadband Internet access service; (2) adopts new transparency requirements to which fixed and mobile broadband providers must adhere; (3) restores the Federal Trade Commission’s ability to protect consumers from any unfair, deceptive, and anticompetitive practices; (4) eliminates the general conduct rule and the rules prohibiting paid prioritization, blocking, and throttling; and (5) preempts any state or local measures that would effectively impose rules or requirements that the FCC has repealed or decided to refrain from imposing or that would impose more stringent requirements for any aspect of broadband service addressed in the Order.

The Order was adopted 3-2 along party lines, with Chairman Pai and each Commissioner issuing separate statements.

A detailed Wiley Rein summary of the Order is available [here](#).

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