

FCC FACT SHEET*

Restoring Internet Freedom

Declaratory Ruling, Report and Order, and Order - WC Docket No. 17-108

Background: Over twenty years ago, President Clinton and a Republican Congress established the policy of the United States “to preserve the vibrant and competitive free market that presently exists for the Internet . . . unfettered by Federal or State regulation.” For decades, Commission policies encouraged broadband deployment and the development of the Internet. That ended two years ago. In 2015, the Commission imposed heavy-handed, utility-style regulation on Internet service providers (ISPs). Since then, broadband investment has fallen for two years in a row—the first time that that’s happened outside a recession in the Internet era. And new services have been delayed or scuttled by a regulatory environment that stifles innovation.

This *Declaratory Ruling, Report and Order, and Order* would return to the bipartisan consensus on light-touch regulation, ending utility-style regulation of the Internet. This will promote future innovation and investment. And more investment in digital infrastructure will create jobs, increase competition, and lead to better, faster, cheaper Internet access for all Americans, especially those in rural and low-income areas.

What the Declaratory Ruling Would Do:

- Restore the classification of broadband Internet access service as an “information service”—the classification affirmed by the Supreme Court in the *Brand X* case.
- Reinstate the private mobile service classification of mobile broadband Internet access service.
- Clarify the effects of the return to an information service classification on other regulatory frameworks, including the need for a uniform federal regulatory approach to apply to interstate information services like broadband Internet access service.

What the Report and Order Would Do:

- Adopt transparency requirements that ISPs disclose information about their practices to consumers, entrepreneurs, and the Commission.
- Restore the Federal Trade Commission’s ability to protect consumers online from any unfair, deceptive, and anticompetitive practices without burdensome regulations, achieving comparable benefits at lower cost.
- Eliminate the vague and expansive Internet Conduct Standard, under which the FCC micromanaged innovative business models, along with the bright-line rules.

What the Order Would Do:

- Find that the public interest is not served by adding to the already-voluminous record in this proceeding additional materials, including confidential materials submitted in other proceedings.

* This document is being released as part of a “permit-but-disclose” proceeding. Any presentations or views on the subject expressed to the Commission or its staff, including by email, must be filed in WC Docket No. 17-108, which may be accessed via the Electronic Comment Filing System (<https://www.fcc.gov/ecfs/>). Before filing, participants should familiarize themselves with the Commission’s ex parte rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission’s meeting. See 47 CFR § 1.1200 *et seq.*