



new age

The New Age of Internet

The New Age of Internet, now regulated like a utility, formally began in mid-March with the issuance of the rules to “protect” the web which the Federal Communications Commission approved about two weeks earlier.

The rules ban blocking, paid prioritization (creating “fast lanes”), and throttling back speeds. In that way, no one or no service is treated any differently than any other. And the rules apply to both mobile broadband (cell phones, iPads, and other mobiles) and to fixed broadband.

Filling out just about 400 pages with dissents and such, the decision lays out how the Internet has morphed and what all that means to an open set of pipes that “drives the American economy and serves, every day, as a critical tool for America’s citizens to conduct commerce, communicate, educate, entertain, and engage in the world around them.”



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The open Internet needs protecting because it is just too important, the FCC says. And, here is how it plans to protect this treasure: It plans to use a section of the Communications Act that gives broader powers to the Commission to have authority over ISPs. This section is Title II of the Act, and dates back 80 years with a retooling of sorts in the mid-1990s, when the Internet was a mere babe compared to its dominance today.

So while it has given itself more power over the Internet, the text notes that the Commission has also said it won't use some of that authority, such as refraining from pricing. And that was what President Obama signaled he wanted some months before the decision.

"This is a Title II tailored for the 21st century, and consistent with the 'light-touch' regulatory framework that has facilitated the tremendous investment and innovation on the Internet," the FCC order states. The F.C.C. says it won't have to set pricing on the Internet because other pre-existing protections "are adequate to guard against unjust and unreasonable and unjustly and unreasonably discriminatory rates." And, the FCC says, there is sufficient competition to keep pricing reasonable; and the agency says elsewhere in this document that its "light touch" is intended to keep investment in the Internet flowing.

That is interesting since some believe that the Commission's whole approach to adopting new policies for Internet is due to the fact that there is little choice with regard to service providers. For instance, about 75% of households have a choice of only one broadband provider, according to a recent *New York Times* report.

The rules contain a detailed history of how the FCC got to this point in its regulatory process, losing some lawsuits earlier this century. And one thing is for certain, the Commission will face more litigation from those who don't agree with the Title II-based rules issued in mid-March.

To read the full, wide-ranging FCC document, go [here](#).

