

UC SANTA BARBARA

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## Net Gain

An appeals court ruling that upholds regulations to ensure net neutrality is a major victory for consumers and the notion of a fair and open Internet, a UC Santa Barbara scholar said. The 2-1 ruling issued Tuesday by the U.S. Court of Appeals for the District of Columbia Circuit upheld the rules put in place by the Federal Communications Commission last year.

“This ruling means that all end users will not have to worry about their Internet service being blocked, throttled or otherwise unfairly controlled by their providers,” said [Jennifer Holt](#), an associate professor of [film and media studies](#) at UCSB who researches digital media infrastructure policy. “It means information put out by the general public will be treated the same (and delivered with the same speed) as content owned by Fortune 500 companies, or the broadband providers themselves. It means that end users will not have to experience an Internet that is the vision of their broadband providers who are acting as gatekeepers, but instead they remain the architects of their own online experience.”

The FCC’s regulations reclassified Internet broadband service as a telecommunications service, which treats Internet service providers (ISPs) as a public utility. Telecom companies such as AT&T and Verizon oppose the reclassification, saying the FCC overstepped its authority.

Net neutrality, Holt observed, “forces them to adhere to much more stringent regulations now that they are classified as common carriers (which they do not like), and prevents them from engaging in activities that could unfairly favor their own

services, or allow them to collect higher fees for prioritized carriage — thus undermining the Internet’s democratic character and equality of access that are both essential components of the medium’s original design.”

The FCC approved the new ISP regulations on a 3-2 vote in 2015. The move came after President Obama, consumer groups and Silicon Valley companies such as Google pushed for net neutrality. The big ISPs, such as Comcast, argued it would discourage companies from investing in Internet infrastructure. And they asserted that even if the FCC has the authority to change its rules, the agency acted “capriciously.” In its 184-page ruling, however, the appeals court dismissed those claims out of hand.

“The decision is a total rejection of the assertions by the telecomm companies, and a very strong endorsement of broadband’s reclassification as a telecommunications service (and therefore, a common carrier),” Holt explained. “It also is a strong endorsement of the reclassification for both wireline and wireless services, which is extremely important as many see the future of Internet provision being in the wireless space. It is a very tough blow to both the cable and phone companies who have waged a long fight against these rules, and today they lost. Again. They will likely take their case to the Supreme Court, but today’s ruling was a victory for the public at large and for everyone who wants to see a free and open Internet survive in this country.”

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