

AT&T Inc., is trying to have its cake and eat it too. The company which is seeking to acquire DirecTV has responded to a lawsuit by the U.S. Federal Trade Commission filed against the company's wireless unit for throttling user's cellular or mobile broadband connections for data service alleging that the FTC has no jurisdiction over AT&T's data service because of the company's status as a common carrier (aka a telecommunications service under Title II of the Telecommunications Act) at the same time AT&T is spinning a story to the U.S. Federal Communications Commission (that contradicts what it is telling the FTC) that the FCC cannot reclassify mobile broadband as a common carrier service. AT&T argues that the 20 year old Section 332 of the Communications Act bars the FCC from putting mobile data under Title II. Chairman Tom Wheeler himself negotiated Section 332 when he was head of the Cellular Telecommunications & Internet Association (CTIA), putting mobile voice but not data under Title II. If mobile data is not under Title II as the company alleges to the FCC then FTC can and should have the authority to sanction or otherwise fine/penalize the company for data throttling. Yet AT&T is trying to suggest to the FTC it does not have that authority either. AT&T cannot have it both ways - I urge the FCC to enact the strongest Net Neutrality rules possible under Title II, to not be fooled by AT&T's lies and to block both the AT&T DirecTV merger and Comcast TWC merger. If mobile data is an information service as AT&T alleges then the FTC should be able to regulate them but AT&T cannot say when the FTC comes after them you don't have jurisdiction and when dealing with the FCC say the reverse because it's an information service - which would be subject to FTC regulation under Title I.