

To the FCC:

The “Open Internet” is the Internet as we know it. It’s open because it uses free, publicly available standards that anyone can access and build to, and it treats all traffic that flows across the network in roughly the same way. The principle of the Open Internet is sometimes referred to as “net neutrality.” Under this principle, consumers can make their own choices about what applications and services to use and are free to decide what lawful content they want to access, create, or share with others. This openness promotes competition and enables investment and innovation.

The Open Internet also makes it possible for anyone, anywhere to easily launch innovative applications and services, revolutionizing the way people communicate, participate, create, and do business—think of email, blogs, voice and video conferencing, streaming video, and online shopping. Once you’re online, you don’t have to ask permission or pay tolls to broadband providers to reach others on the network. If you develop an innovative new website, you don’t have to get permission to share it with the world.

The FCC does not regulate Internet content or applications. To the contrary, the purpose of Open Internet rules is to clarify high-level, flexible rules of the road for broadband to ensure that no one—not the government and not the companies that provide broadband service—can restrict innovation on the Internet.

The FCC has adopted three basic open Internet rules:

- **Transparency.** Broadband providers must disclose information regarding their network management practices, performance, and the commercial terms of their broadband services.
- **No blocking.** Fixed broadband providers (such as DSL, cable modem, or fixed wireless providers) may not block lawful content, applications, services, or non-harmful devices. Mobile broadband providers may not block lawful websites, or applications that compete with their voice or video telephony services.
- **No unreasonable discrimination.** Fixed broadband providers may not unreasonably discriminate in transmitting lawful network traffic over a consumer’s broadband Internet access service. Unreasonable discrimination of network traffic could take the form of particular services or websites appearing slower or degraded in quality.

In addition, in the Open Internet Report and Order the Commission recognizes that an open, robust, and well-functioning Internet requires that broadband providers have the flexibility to manage their networks, including but not limited to efforts to block spam and ensure that heavy users don’t crowd out other users. For this reason, the no blocking and no discrimination rules are subject to reasonable network management.

With respect to mobile broadband, the Open Internet R&O for the first time adopt industry-wide rules to protect openness for consumers and innovators alike. The Open Internet R&O also recognizes that mobile broadband presents special considerations, including the fact that it is rapidly evolving and has differences from fixed broadband in market structure and technological constraints. And one of the largest mobile providers is now offering 4G mobile broadband service using wireless spectrum subject to openness rules the Commission imposed in 2007. For those reasons, in the Open Internet R&O the Commission takes measured steps to protect openness for mobile broadband, requiring providers to comply with the transparency rule, and prohibiting them from blocking websites or from blocking applications that compete with the provider's voice or video telephony services.

## **The History of the Open Internet Proceeding**

In 2005, on the same day it re-classified DSL service and effectively reduced the regulatory obligations of DSL providers, the FCC announced its unanimous view that consumers are entitled to certain rights and expectations with respect to their broadband service, including the right to:

- access the lawful Internet content of their choice;
- run applications and use services of their choice, subject to the needs of law enforcement;
- connect their choice of legal devices that do not harm the network; and
- competition among network providers, application and service providers, and content providers.

On October 22, 2009, the Federal Communications Commission (FCC) voted to seek public input on draft rules that would codify and supplement existing principles to safeguard the Internet's openness. After holding a series of [open workshops](#) and reviewing the extensive record of public comments, on December 21, 2010, the Commission adopted the Open Internet R&O, which establishes three high-level rules to preserve the free and open Internet. The Open Internet R&O became effective on November 20, 2011.

## **Emergency Considerations and Safety and Security Authorities**

The Open Internet R&O makes clear that nothing in the rules supersedes any obligation a broadband Internet access service provider may have – or limits its ability – to deliver emergency communications, or to address the needs of law enforcement, public safety, or national security authorities, consistent with applicable law. In addition, nothing in the rules prohibits reasonable efforts by a broadband provider to address copyright infringement or other unlawful activity.

## **Filing a Complaint**

If you think there has been a violation of the open Internet rules, you can [file a complaint](#) with the FCC. To facilitate our processing of your complaint, it would be helpful if you include the following information:

1. Whether the broadband service at issue is fixed (such as DSL or cable modem) or mobile. If you are not sure, please provide as much information as you can about how you access Internet through your provider. For example, do you access the Internet only in your home, or are you able to access the Internet through your provider outside the home?
2. The category of the open Internet violation. Note the three categories set forth above: (1) transparency; (2) blocking; and (3) unreasonable discrimination

Sincerely,

Mr. Maneesh Pangasa