

Big four carriers accused of violating the only remaining net neutrality rule

Secrecy on throttling fuels complaints against AT&T, Sprint, T-Mobile, Verizon.

Only one portion of the FCC's network neutrality rules survived a **federal appeals court decision** in January, and all four major US carriers have just been accused of violating it.

The court vacated anti-blocking and anti-discrimination rules, but it left in place a requirement to disclose accurate information about network management practices and performance.

Consumer advocacy group Public Knowledge today **sent letters** to AT&T, Sprint, T-Mobile, and Verizon accusing them of violating the transparency rule.

“Sprint and Verizon violate the transparency rule by failing to meaningfully disclose which subscribers will be eligible for throttling,” Public Knowledge said. “AT&T, Sprint, and Verizon violate the transparency rule by failing to disclose which areas of the network are congested, thus subject to throttling. T-Mobile violates the transparency rule by preventing throttled subscribers from determining the actual network speed available to them.”

Sending letters to the carriers is the first step toward filing a formal complaint with the FCC. Public Knowledge can file the complaints in 10 days, a spokesperson for the group told Ars. Public Knowledge was co-founded in 2001 by Gigi Sohn, who left the nonprofit in November to become Special Counsel for External Affairs at the FCC.

The FCC last month [reminded](#) broadband providers and cellular carriers of their transparency obligations. Separately, FCC Chairman Tom Wheeler challenged Verizon on its policy of [throttling unlimited data users](#) on congested cell sites.

“In order to comply with the FCC’s transparency requirement, Sprint and Verizon must publish monthly data-based thresholds (as opposed to merely percentage-based thresholds) for throttling eligibility,” Public Knowledge argued today. “AT&T, Sprint, and Verizon must publish real-time information about parts of their network that are congested enough to trigger throttling. All of this information must be made available in open and accessible formats that would allow third parties to integrate it into applications and facilitate public scrutiny.”

Without specific information on what data limits trigger throttling and the location of throttled areas, customers have little idea of when they might see reduced speeds, Public Knowledge wrote in a [blog post](#). While AT&T sets the data threshold at a specific level—3GB for non-LTE users and 5GB for LTE users—Sprint and Verizon give only general guidelines that can change from month to month.

Public Knowledge accused T-Mobile of violating the transparency rule by exempting speed test applications from throttling. This makes it harder for customers to figure exactly how fast throttled data is.

“While it may be academically interesting for subscribers to learn what their unthrottled connection speed might be, it is practically useful for them to be able to determine their actual, real world, connection speed,” Public Knowledge VP Michael Weinberg wrote in a [letter to T-Mobile](#). “Public Knowledge asks instead that T-Mobile comply with Open Internet rules and allow speed test applications to accurately reflect subscriber experience at the moment of the test. If T-Mobile is concerned that these slow speeds will

hurt customer retention, the more appropriate response would be to increase data caps, increase throttled network speeds, or both.”

Public Knowledge previously accused T-Mobile of violating net neutrality principles (but not the transparency rule) by **exempting certain music services**, but not other services, from data limits.

Public Knowledge did not accuse T-Mobile of withholding information on throttling. T-Mobile sells “unlimited” plans that have limits on high-speed data, and the company makes it clear that it throttles data once customers use their entire high-speed allotments.

But T-Mobile also throttles the heaviest data users within each rate plan when they connect to congested cell towers. Similar to Sprint and Verizon, T-Mobile **doesn't say** exactly what the data thresholds are for triggering the throttling, only that it applies to "customers who use more data than 95% of customers on the same rate plan typically use in a month." In response to a question from Ars, Weinberg said Public Knowledge will "try and find a way to integrate that into our transparency complaint."

We've asked all four carriers for responses.

Sprint pointed to network management information **available on its website**, saying “We look forward to reviewing Public Knowledge’s letter and will respond as appropriate. Sprint goes to great lengths to be transparent about its network management practices.”

We'll update this article with responses from AT&T, Verizon, and T-Mobile if we receive any.