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MADIGAN & 13 ATTORNEYS GENERAL OPPOSE FCC ROLLBACK OF NET NEUTRALITY PROTECTIONS

Chicago — Attorney General Lisa Madigan today led a coalition of 14 attorneys general to oppose the rollback of critical net neutrality protections by the Federal Communications Commission (FCC).

In comments submitted to the FCC today, Madigan and the other attorneys general argue that the FCC must ensure open access to the internet and the continued equal access to all content providers, which can only be upheld through the principles of an open internet, or net neutrality.

"The current Open Internet rules were based on the premise that consumers expect and deserve an open and transparent Internet and that their right to access their chosen content without interference from their service provider should be protected. The existing rules recognize that the Internet has become an essential service in our society, and that role could be compromised by allowing private companies, many of which have conflicts of interest, to dictate the terms of consumers' access to and use of the Internet. Consumers expect transparency and fairness from their Internet service when they go online, and those expectations should be reflected in the FCC's rules," the attorneys general stated in their comments.

Madigan and the other attorneys general emphasized the role that net neutrality and non-discrimination principles play in furthering vigorous competition and innovation online, enabling startup businesses an equal platform to provide new content to consumers at the same speed as established providers. Without net neutrality, Madigan said, Internet Service Providers (ISPs) could charge content providers for priority treatment, or access to an internet "fast lane."

"Consumers' free access to third-party sites and mobile applications has allowed Internet service to become an integral part of everyday life. Just as consumers expect that they will be able to call any number through their telephone company, they expect that they will be able to reach any website through their ISP. Without enforceable rules assuring that their ISPs will deliver all content and services as requested, there are no guarantees that consumers will not be deprived of the freedom they now enjoy when they go online," the comments stated.

In 2015, the FCC took two actions to protect consumers from interference when they use the internet: it classified fixed and mobile broadband internet access service as a telecommunications service, treating it like a common carrier, and it adopted Open Internet rules. These rules prevent ISPs from blocking access to internet sites, slowing down or "throttling" speeds, or accepting payment for priority delivery. The rules also ban unreasonable actions that interfere with consumer use of the internet and require disclosure of policies affecting their network management practices.

The Court of Appeals for the D.C. Circuit upheld the FCC's 2015 Order in its entirety in *United States Telecom Association v. FCC*, 825 F.3d 674. However, the FCC's new chairman has initiated a proceeding to revisit these rules, and comments are due today. The FCC argues, without providing any support, that the rules are burdensome and unnecessary and have reduced investment.

The FCC proposes to roll back the classification of ISPs as common carriers and change or eliminate the rules that guarantee an open internet. Madigan said without these rules, ISPs will be free to favor their own content over third-party sites, and consumers will lose internet freedom to visit and obtain content from any site of the consumer's choice without interference.

Joining Madigan in submitting today's comments are the attorneys general from: California, Connecticut, Hawaii, Iowa, Maine, Maryland, Massachusetts, Mississippi, Oregon, Rhode Island, Vermont, Washington and the District of Columbia, as well as Hawaii's Office of Consumer Protection.

A link to today's comments can be found [here](#).

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