



January 16, 2018

ATTORNEY GENERAL MADIGAN FILES SUIT TO STOP ILLEGAL ROLLBACK OF NET NEUTRALITY

Madigan & 21 Attorneys General File Petition for Review, Formally Commencing Lawsuit

Chicago — Attorney General Lisa Madigan and 21 attorneys general today filed a multistate lawsuit to block the Federal Communications Commission’s (FCC) illegal rollback of net neutrality. The coalition filed a petition for review in the U.S. Court of Appeals for the D.C. Circuit against the FCC and the federal government.

“The FCC refuses to investigate potentially millions of fraudulent comments that compromised its net neutrality rulemaking process,” Madigan said. “This lawsuit is a step toward protecting consumers and businesses and the public’s right to participate in major FCC policy decisions.”

The repeal of net neutrality would have dire consequences for consumers and businesses in Illinois and across the country that rely on a free and open internet - allowing internet service providers to block certain content, charge consumers more to access certain sites, and slow the quality of content from content providers that don’t pay more.

In December 2017, Madigan and a coalition of attorneys general urged the FCC to delay its vote in light of widespread reports that millions of comments received by the FCC in its net neutrality rulemaking process were submitted under fraudulent or stolen identities. Madigan and the coalition stressed the importance to the rulemaking process of public participation and encouraged the FCC to cooperate with investigations by law enforcement agencies. Madigan also called on the FBI to investigate the sources of the fraudulent comments.

Under the Administrative Procedure Act, the FCC cannot make “arbitrary and capricious” changes to existing policies, such as net neutrality. The FCC’s new rule fails to justify the FCC’s departure from its long-standing policy and practice of defending net neutrality, while misinterpreting and disregarding critical record evidence on industry practices and harm to consumers and businesses. Moreover, the rule wrongly reclassifies broadband internet as a Title I information service, rather than a Title II telecommunications service, based on an erroneous and unreasonable interpretation of the Telecommunications Act. Finally, the rule improperly and unlawfully includes sweeping preemption of state and local laws.

Previously, in July 2017, Madigan led a coalition of 14 attorneys general in submitting comments to the FCC opposing the proposed rollback of the critical net neutrality protections. Madigan argued 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.

Joining Madigan in filing the [lawsuit](#) were the attorneys general of California, Connecticut, Delaware, the District of Columbia, Hawaii, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.

-30-

[Return to January 2018 Press Releases](#)

