

A background network diagram consisting of a complex web of thin grey lines connecting various colored circular nodes. The nodes are scattered across the page and include colors such as red, green, black, orange, and grey. The overall appearance is that of a digital or communication network.

Draft Member Toolkit - FCC Open Internet Order

Contents

FCC Title II Repeal Talking Points _____ 1

Myth v. Reality Open Internet and Utility Rules _____ 2

Republican Member Statements & Tweets _____ 4

What Others Are Saying on Title II and the Open Internet _____ 6

Free Market Comments on Chairman Pai’s Title II Repeal _____ 18

WSJ Editorial and Limbaugh Transcript _____ 19

FCC Title II Repeal Talking Points

- The FCC is wisely repealing the reckless decision of its predecessors to regulate competing Internet Service Providers under 1930s common-carrier regulations that were designed for a telephone monopoly.
- These “Title II” regulations, rammed through the FCC by the Obama White House, were based on a hypothetical fear of broadband providers blocking certain websites or putting competitors in slow lanes. But despite ten years of the left stoking those hypothetical fears, **they never materialized.** Why? Because it is not in the interest of broadband providers to degrade the experience of their customers, especially when watching video or streaming services. The broadband providers would lose customers to their competitors if they ever attempted to block content.
- In practice, these regulations have proven to be anti-consumer. The FCC has forbidden the practice of wireless providers offering featured video streaming to their customers that doesn’t count against their monthly data usage caps. How is it helpful to prevent consumers from accessing more online content for less money?
- The FCC is simply returning to the light-touch regulation that has been in place since the Clinton Administration.
- The federal government should not treat high-tech communications networks as if they were 1930s public utilities.
- After Title II regulations passed, investment in Internet service fell for the first time ever by 5.6%.
- Repeal of Title II regulations will correctly return Internet Service Providers to the privacy oversight of the Federal Trade Commission.
- We rightly protest when governments around the world seek to place political controls over the Internet, and the same should apply here in America. The administrative state will never stop seeking power, and it is up to us to say “no.”

Myth v. Reality Open Internet and Utility Rules

1. **Myth: The FCC is trying to kill net neutrality.**

Fact: The FCC [is committed](#) to a free and open internet and is not trying to kill net neutrality. Chairman Pai has proposed to repeal separate regulations called “Title II” – [archaic](#) “public utility” rules designed for 19th and 20th Century rail, phone and other monopolies. Economists and policy leaders on the left and right have said public utility regulation of the internet is bad for broadband investment, innovation, and jobs. There are [many ways to](#) keep the internet open and free without these harmful and ill-fitting rules.

2. **Myth: Internet providers oppose open internet regulation.**

Fact: All major internet providers [strongly support a free](#) and open internet – the idea that no one should block, throttle or unreasonably discriminate against internet content in any way. They have publicly pledged to support these rules, live by them everyday in managing their own networks, and have urged new legislation to permanently protect them. Network neutrality and public utility regulation are two different things; internet providers support the former and only oppose the latter.

3. **Myth: “Title II” utility regulation is the only way to keep the internet open and free.**

Fact: “Congress on its own could take away the gaps in the FCC[s] authority” and [pass a simple law](#) that keeps the internet free and open without the destructive baggage of utility regulation, a step that would have broad, bipartisan support. The FCC and [FTC](#) also have their own authority to enact or enforce open internet protections without utility rules.

4. **Myth: Utility regulation has not hurt investment by internet providers.**

Fact: Market and finance experts unanimously predict a massive drop off in investment under utility regulation. One study has already [found](#) a \$4 billion drop off in investment under just the first two years of utility rules. Another [found](#) the threat of these overbearing regulations that has been hanging over broadband for the last five years has itself resulted in \$150-\$200 billion less investment than would otherwise have occurred. And a [third](#) looking at investment levels in Europe under utility style regulation predicts broadband investment to fall \$44 billion a year.

5. **Myth: Utility regulation protects consumers and strengthens the internet.**

Fact: Utility regulation undermines investment, innovation and jobs weakening the internet ecosystem and putting consumers at risk. There are no concrete protections for consumers in utility regulation that cannot be better achieved through other means that won't harm investment, innovation, and jobs. It is the opposite of the Silicon Valley “permissionless innovation” culture that has produced consumer friendly innovations like webmail, social media, Snapchat, Amazon, and Uber. And it is a threat to continued development and deployment of high speed networks consumers demand.

6. Myth: Only internet providers oppose utility regulation.

Fact: This is false. Both Republicans and Democrats have opposed utility regulation for the internet. [Major labor unions](#), over 40 [civil rights organizations](#), and dozens of [manufacturers](#), [tech companies](#), and [tech leaders](#) have led the charge against utility rules, warning they would hurt investment and jobs and that there were better ways to protect the open internet. Democratic FCC Chair Bill Kennard also opposed utility regulation, [saying in 1999](#) that “The Internet is really blossoming, but some policy-makers and politicians want to control it and regulate access to it. . . We should not try to intervene in this marketplace... [I]n this space, it’s very difficult to mandate openness in a regulatory manner.”

7. Myth: Open internet legislation is uncertain to pass.

Fact: There is no reason that legislation should not pass Congress. [The open internet has broad, bipartisan support – only utility regulation is controversial.](#) Congress has clear constitutional authority to permanently protect the open internet and both [Democrats](#) and [Republicans](#) have supported such legislation in the past.

8. Myth: Utility regulation protects consumers from monopoly internet providers.

Fact: Between wired, wireless, and satellite service, consumers have [more options](#) for internet service than ever. In 2015, 95% of consumers had [three or more choices](#) for service at 13-20 Mbps and even even under the critics’ most skewed definition counting only wired service exceeding 25 Mbps as “internet” [nearly](#) 40% of consumers have two or more choices of provider. The real monopolists in the open internet debate? The tech giants pushing new rules that apply only to broadband, [including](#) Google (88% of digital advertising, 77% of global search) and Facebook (with its subsidiaries, 77 percent of mobile social media).

Republican Member Statements & Tweets

HOUSE

House Speaker Paul Ryan (R-WI)

“The internet is evidence of the unparalleled heights that a true free market can reach. But those heights have been threatened by federal regulations that set a dangerous precedent by focusing on controlling the internet rather than protecting consumers. Chairman Pai’s announcement that the FCC will roll back these regulations is welcome news. Congress is committed to working with the Trump administration to enact policies that protect consumers and ensure Americans have access to a free and open internet.”

Reps. Marsha Blackburn (R-TN) and Greg Walden (R-OR) – Joint statement with Sens. John Thune (R-SD) & Roger Wicker (R-MS)

“We have long said that imposing a Depression-era, utility-style regulatory structure onto the internet was the wrong approach, and we applaud Chairman Pai’s efforts to roll back these misguided regulations. Consumers want an open internet that doesn’t discriminate on content and protects free speech and consumer privacy,” said Thune, Walden, Wicker, and Blackburn. “It’s now time for Republicans and Democrats, internet service providers, edge providers, and the internet community as a whole to come together and work toward a legislative solution that benefits consumers and the future of the internet.”

Rep. Cathy McMorris Rodgers (R-WA)

House Republican Conference Chair Cathy McMorris Rodgers (R-WA) released the following statement regarding Federal Communications Commission (FCC) Chairman Ajit Pai’s announcement on the rolling back of net neutrality regulations. “I applaud the FCC’s decision to roll back the antiquated regulations that threaten job creation and competition. I support an open Internet, but there is a better way to ensure consumer protections without disrupting the free-flow of information and innovation that has made it a cornerstone of the 21st Century economy. It’s time for Congress and the Internet community to work together to achieve a solution that benefits everyone.”

Rep. Tom Graves (R-GA)

I strongly support Chairman Pai’s plan to restore internet freedom. Net neutrality regulations stifle innovation and competition on the internet while doing nothing to protect consumers. Simply put, they are regulations in search of a problem. I commend Chairman Pai for taking swift action to repeal this Obama administration mess before more damage is done. I urge each FCC commissioner to support Chairman Pai’s effort.

Rep. Bob Latta (R-OH)

“The action by the previous FCC to impose a heavy-handed regulatory framework on the Internet was a misguided decision from the start. It’s critical we maintain an open Internet that doesn’t harm investment and innovation, and where consumers are protected. With that in mind, I commend Chairman Pai’s efforts to undo the Title II reclassification. Now is

the time for all stakeholders to come to the table to find legislative common ground, and provide certainty for consumers, providers, and businesses that rely on the Internet.”

What Others Are Saying on Title II and the Open Internet

I. TITLE II IS NOT NET NEUTRALITY

[Democrats must have a better response on net neutrality than simply 'no'](#)

Ev Ehrilch | The Hill | April 27, 2017

“Yes, Trump-approved FCC Chairman Ajit Pai intends to revisit this issue. But getting rid of “Title II” utility rules doesn’t mean we can’t still have strong, enforceable net neutrality rules.”

[Taking Broadband Out From Under Title II Welcome First Step Toward Solidifying Dynamic Open Internet](#)

Doug Brake | ITIF | April 26, 2017

“Chairman Pai’s plans are undoubtedly in the right direction. Classifying broadband as a common carrier under Title II was a mistake that must be corrected, and the sooner the better. The Internet was wonderful and open before Wheeler’s rules were put in place in 2015, and it will be wonderful and open if Pai succeeds in making some much-needed changes. Title II and an open Internet are not one and the same. The former is a messy regulatory framework that we should shed, and the latter is a set of principles agreed upon by most that we can keep with a more middle-ground approach that gives the FCC the legal authority to stop unfair practices, but still allows for innovative new services.”

[Consumers Deserve Sustainable Net Neutrality Protections](#)

Jonathan Spalter | USTelecom | April 26, 2017

“Internet service providers, like their customers, support net neutrality. Removing restrictive Title II regulations from broadband providers puts consumers, innovators, engineers and entrepreneurs – not the government – back in the broadband driver’s seat. This is an important step toward leveling the playing field for all innovators, increasing broadband access for all Americans, and stoking the engine of innovation and investment again for all our communities.”

[CTIA Statement on FCC’s Net Neutrality Proposal](#)

Meredith Attwell Baker | CTIA | April 26, 2017

“Today’s debate is not whether or not to have net neutrality protections - no one opposes clear, bright line rules to safeguard consumers’ Internet experience - it is about how our nation’s broadband networks are regulated. We are confident that Congress and Chairman Pai are on the right path for sustainable, common sense net neutrality rules under a regulatory framework that promotes billions of dollars of investment, millions of jobs and the innovation needed to sustain consumers’ mobile-first lives.”

[Center for Individual Freedom Comments on FCC Chairman Ajit Pai's Remarks on "The Future of Internet Regulation"](#)

Center For Individual Freedom | April 26, 2017

"Simply put, the principle of a free and open internet is something on which all parties agree. What American consumers didn't need was a hyper-partisan FCC suddenly regulating the internet as a 'public utility' under the pretense of 'protecting consumers.' Accordingly, CFIF applauds Chairman Pai for moving to restore common sense to internet regulation and the FCC."

[Keeping the Internet Open and Free Doesn't Mean Title II](#)

Will Rinehart | American Action Forum | April 26, 2017

"Lastly, and most importantly, reclassification grants the FCC broad and unchecked power. Title II goes much further than simply grounding the four [Net Neutrality] rules."

[The Tangled Web of Net Neutrality and Regulation](#)

Larry Downes | Harvard Business Review | March 31, 2017

"The Open Internet principles (as the FCC has always referred to net neutrality) long predate the 2015 Order. When a court found in 2010 that the FCC lacked authority to enforce them, the agency formalized them as rules. The same court rejected that effort in 2014, however, concluding that the agency had failed to identify a source of legal authority from Congress, precipitating the 2015 Order. Thus, for most of the history of the commercial internet, there have never been formal net neutrality rules. Still, during a decade of largely inside-the-Beltway squabbling, the FCC has only once identified a violation of the principles that might have been barred by any version of its rules. That may be in large part because, even without the FCC, the kinds of behavior net neutrality prohibits are either counter-productive for broadband providers to engage in or are already illegal under anti-competition laws actively enforced by the Federal Trade Commission."

II. TITLE II DEPRESSES INVESTMENT

[Make the Net Neutral Again](#)

Editorial Board | Wall Street Journal | April 27, 2017

"The Pai plan would revert to the bipartisan consensus that the internet should be "unfettered by Federal or State regulation," as Congress put it in a 1996 update to the Communications Act. Thus the agency will vote in May on a proposal to designate the internet as an information service, the status quo of two years ago. The Supreme Court upheld this "light touch" framework in 2005, and Mr. Pai explained in his speech that government nonintervention helped spur \$1.5 trillion of private investment that built high-speed internet pipes. But then came the regulatory uncertainty of a government takeover of the internet. Between 2014 and 2016, Mr. Pai notes, capital expenditures on broadband from America's 12 largest internet-service providers dropped 5.6%, or \$3.6 billion, a decline he called "extremely unusual" in prepared remarks. This is "the first time that such investment has declined outside of a recession in the internet era."

[Brace for Fake News About the Broadband Regulatory Reset](#)**Tom Giovanetti | IPI | April 27, 2017**

“In the last two years, investment in broadband infrastructure has declined and the rollout of access to unserved areas has slowed. Chairman Pai is absolutely correct to undo this [Title II] mistake and reset internet regulation to its previous, light-touch approach.”

[A win for the internet: The FCC wants to repeal Title II net neutrality regulations](#)**Daniel Lyons | AEI | April 26, 2017**

“In this legal regime, Title II hangs as a sword of Damocles over the broadband industry, generating uncertainty, limiting innovation, and likely reducing capital investment in the sector.”

[Chairman Ajit Pai Is Draining the FCC Swamp](#)**Timothy Lee | CFIF | April 20, 2017**

“The negative consequences of the FCC’s reclassification of internet service as some sort of Depression-era ‘public utility’ were immediate and profound. As the Chairman noted, domestic broadband capital expenditures declined by 5.6%, or \$3.6 billion, which marked the first time that such investment declined outside of a recession during the internet era. That applied to both large and small internet service providers.”

[ACA Supports FCC Chairman Pai On Effort To Lift Title II Regulation Of ISPs](#)**Mathew Polka | American Cable Association | April 26, 2017**

“The current utility-style rules are not needed for the FCC to ensure that consumers have access to any lawful online content, and, because these rules have discouraged ISPs from investing, they have harmed consumers’ access to robust, high-quality broadband service.”

[Utility Regulation and Broadband Network Investment: The EU and US Divide](#)**Patrick Brogan | USTelecom | April 25, 2017**

“[U]nder a Title II regime, U.S. broadband investment per capita could decline toward much lower European levels over time. U.S. broadband investment could decline as much as 50% if it fell to European levels, a reduction in infrastructure investment of roughly \$44 billion dollars yearly.”

[Net Neutrality, Reclassification and Investment: A Counterfactual Analysis](#)**George S. Ford | Phoenix Center | April 25, 2017**

“Between 2011 and 2015, the threat of reclassification reduced telecommunications investment by 20% (or more), or about \$32 to \$40 billion annually; that’s about \$160-\$200 billion in total over the five-year period. In effect, reclassification has cost the U.S. an entire year’s worth of telecommunications investment (averaging \$126 billion annually since 2011). Alternatively, no negative investment consequences are found for the period where Net Neutrality was enforced via the

FCC's "Four Principles" to promote an Open Internet, suggesting it is reclassification—and not the principles of Net Neutrality—that is reducing investment”.

[Why We Shouldn't Conflate Title II and Net Neutrality](#)

William Kovacs | US Chamber of Commerce | April 18, 2017

“Reducing broadband investment is not only bad for internet companies, it's bad for consumers and localities which benefit from smart cities, the Internet of Things, and 5G technology. A study by Accenture estimates that the economic impacts of 5G technology could lead to \$500 billion in GDP growth and three million jobs created. Without broadband investment, Americans cannot experience the full benefits of economic growth flowing from advanced technologies. Title II reclassification, unless checked, will continue to negatively affect much-needed infrastructure investment.”

[The FCC's Biggest Challenge Yet](#)

Steve Pociask | Forbes | April 18, 2017

“As Chairman Pai himself noted recently, the U.S. “experienced the first-ever decline in broadband investment outside of a recession” and our broadband investment “remains lower today than it was when the FCC changed course in 2015. Unfortunately for consumers, the damage from Title II goes even further. Last fall, the Obama FCC used these regulations in attempt to curb “free data” services that let mobile users stream data without charge. The irony, of course, is that “free data” is great for consumers, especially those who rely on mobile as their primary internet access.”

[Bad Bet By FCC Sparks Capital Flight From Broadband](#)

Hal Singer | Forbes | March 2, 2017

“Relative to 2014 levels, the twelve largest ISPs invested \$3.6 billion less in domestic broadband in 2016 -- a 5.5 percent decline. Eight of the twelve ISPs have withdrawn capital from the sector.”

[Tracing AT&T's Capital Expenditures Over Time](#)

Hal Singer | Hal Singer Blog | January 2017

“Relative to 2014, AT&T's domestic broadband capex in 2015 declined by 18.2 percent (\$17.3 billion versus \$21.2 billion). And again relative to 2014, AT&T domestic broadband capex in 2016 declined by 16.2 percent (\$17.8 billion versus \$21.2 billion). Put differently, the imposition of Title II is associated with (but did not necessarily cause) an annual reduction of over \$3 billion in capital in the broadband sector in each of the last two years. That's a lot of capital to go missing.”

III. UNDERMINES INNOVATION

[Net Neutrality: No Way to Run an Industry](#)

Gus Hurwitz | Tech Policy Daily | April 28, 2017

“Chairman Pai’s proposal to “de-re-classify” internet access service is going to be characterized in dramatic terms. In reality, it is a very modest proposal: it would merely return the FCC’s approach to the internet to the status quo that has governed for 19 of the 21 years since the 1996 Telecommunications Act was enacted — an approach that has given us Google, Facebook, Netflix, Amazon, Etsy, Pinterest, TechPolicyDaily.com, Pets.com, Craigslist, and a million other Internet services.”

[IPI Commends FCC Chairman Pai for Move to Begin Restoring Light-Touch Federal Broadband Regulation](#)

Tom Giovanetti | Institute for Policy Innovation | April 26, 2017

“[T]he Obama administration destroyed any pretense of independence at the FCC while subjecting one of our most innovative industries to the caprice and mischief of federal regulators endowed with almost limitless regulatory powers under Title II. Undoing this devastating mistake should be a top priority for the new administration, and we’re delighted that Chairman Pai agrees.”

[McConnell on FCC Rollback of Harmful Net Neutrality Regulation](#)

Mitch McConnell | Republican Leader | April 27, 2017

“The growth of the Internet and the rapid adoption of mobile technology have been great American success stories. And they were made possible by a light regulatory touch. I commend Chairman Pai for taking bold action today to turn back this portion of the Obama Administration’s eight-year regulatory assault on all aspects of our economy. We are fortunate to have a Chairman who knows our nation needs an FCC that will encourage innovation, not suffocate it under the weight of an outdated bureaucracy.”

[TIA Applauds FCC Chairman Pai’s Plan to Roll-Back Harmful Net Neutrality Rules](#)

Cinnamon Rogers | Telecommunications Industry Association | April 26, 2017

“TIA strongly supports Chairman Pai’s decision to return to the FCC’s long-standing, bipartisan approach of light-touch internet regulations. Applying old rules to new networks and a dynamic marketplace threatens the ‘virtuous cycle’ of investment, competition, and innovation that led to \$800 billion in broadband infrastructure spending from 2002 to 2014. The order outlined today by Chairman Pai offers a far better path for achieving an open internet, and we look forward to seeing the full details.”

[CEI Commends FCC Plan to Roll Back Net Neutrality Regulations Threatening Internet Freedom](#)**Ryan Radia | CEI | April 26, 2017**

“CEI welcomes Federal Communication Commission Chairman Pai’s plan to end harmful public utility regulation of Internet providers. Undoing the Obama-era net neutrality rules that threaten free speech online is critical to protecting a free and open Internet. The FCC’s 2015 Internet regulations must be eliminated in order to promote competition and innovation in the broadband market, which will ultimately serve American consumers with more choices and better products at lower prices.”

[To Boost Innovation, FCC Should Roll Back Net Neutrality Regulations](#)**Ryan Raida | CEI | April 25, 2017**

“Over the past decade, the FCC has sought to transform itself into the Internet’s regulator in spite of a clear directive to the contrary from Congress. Now, under Chairman Pai, the agency is poised to finally follow the law by reversing its 2015 decision to regulate broadband providers as public utilities. The rigid rules that now govern Internet providers forbid an array of business models that could benefit consumers, from prioritizing time-sensitive Internet traffic to cutting deals with Web startups to exempt them from data caps. Some established companies that rely on the infrastructure built by broadband providers would prefer that the government maintain the status quo—but freezing today’s Internet in place, with all its shortcomings, will preclude the experimentation and bargaining among companies that causes markets to progress.”

[Statement of National Grange President Betsy Huber on Chairman Pai’s Net Neutrality Roadmap](#)**Betsy Huber | National Grange | April 26, 2017**

“I am honored to stand alongside Chairman Pai, FreedomWorks, and the Small Business Entrepreneurship Council to talk about the importance of connectivity to our rural communities. For 150 years, the National Grange has worked to ensure that all communities are able to benefit from the latest advancements in communications technologies and gain access to them. Today, that’s why we are committed to ensuring an open Internet to connect all entrepreneurs from the Silicon Valley to the Silicon Prairie. We look forward to working with the Chairman on his efforts to spur inclusive innovation that connects all of America’s citizens, including those in our rural and small town communities.”

IV. GOVERNMENT OVERREACH**[FCC Chairman Set to Roll Back Obama’s Overbearing Net Neutrality Rules](#)****James Gattuso | The Daily Signal | April 27, 2017**

“[T]he FCC chairman revealed plans to repeal the 2015 Open Internet Order and return to what he described as ‘the light-touch regulatory framework that served our nation so well.’ The repeal process is a political minefield, but the chairman’s success would be a significant victory for free enterprise. Innovation and consumer choice would be

enhanced, as would high-speed access for millions more Americans. . . . The FCC chairman's proposal is a direct strike against the unparalleled regulatory overreach that ran rampant for the previous eight years. Bravo."

[Get ready for tech giants to start churning out fake news to 'save' net neutrality](#)

Tom Giovanetti | The Hill | April 27, 2017

"The new chairman of the Federal Communications Commission (FCC), Ajit Pai, is determined to keep both the Trump administration's commitment to eliminating harmful regulation and his own commitment to undo the two-year-old mistake of regulating the Internet under the old Title II analog Bell telephone monopoly laws written in the 1930s. . . . [W]hat Pai is proposing is simply a return to the policies that Made the Internet Great. For almost two decades, beginning with the Clinton administration, Congress and the FCC decided to take a light-touch approach to Internet regulation, and the Internet rewarded that approach with such incredible innovation that it has become essential to modern life."

[Net Neutrality's Days Are Numbered, And That's A Good Thing](#)

Investor's Business Daily | Editorial Board Investor's Business Daily | April 27, 2017

"Pai wants to undo the rest of Obama's regulatory overreach by re-re-classifying the internet back to its previous state, and leaving it largely up to the free market to figure out how best to serve its customers. There's no guarantee Pai will succeed, even with a Republican majority of the FCC's three-member panel. The process will be long and cumbersome, and consumer groups, along with businesses that benefit from FCC regulations, will fight him every step of the way. But Pai, who fiercely opposed the net neutrality rules when they were being drafted, does not appear to be someone who will shy away from a fight. We hope he succeeds."

[ICLE Statement on FCC Chairman Pai's Proposal to "Reverse the Mistake of Title II"](#)

Armen Alchian | International Center for Law & Economics | April 26, 2017

"By questioning the unprecedented and ill-supported expansion of FCC authority that undergirds the Order, Chairman Pai has taken a crucial step toward re-imposing economic rigor and the rule of law at the FCC."

[Title II is the wrong fit for broadband](#)

Hance Haney and George Gilder | Medium | April 27, 2017

"The FCC blundered in 2015 when it tried to nationalize and neutralize the net as a public utility under Title 2. This move ended the Commission's highly successful previous policy of treating the Internet as a dynamic new frontier for innovation and growth. The Internet should not be seen as a static resource to be regulated and redistributed in a political sandbox for K street cronies and their clients. Relegating investment and innovation to often trivial software and apps, the FCC jeopardized the transformation of the network for a new era. It turned increasing bandwidth abundance into bandwidth scarcity in the face of a tsunami of new content and services. It threatened to neuter the Internet's contribution to U.S. economic growth and world leadership. It drove bandwidth companies to invest in Hollywood content and TV rather than build out broadband for the future. It eclipsed the vast opportunities ahead in wireless innovation, mobile healthcare, virtual reality, transportation, and the Internet of Things."

[Title II is the wrong fit for broadband](#)**Hance Haney | Medium | April 27, 2017**

“A bipartisan consensus allowed the Internet to flourish in the absence of suffocating government regulation for three decades prior to the FCC’s ill-advised 2015 reclassification decision. That consensus arose from a recognition that innovation in telecom had been unsatisfactory under Title II. The result was the Telecommunications Act of 1996, which created a Title I “information” service classification for hybrid services combining both telecom and computing components. Plain old monopoly telephone services were to remain under Title II. Advanced new services such as Internet access were to be regulated under the more flexible Title I. The 1996 law passed the House 414–6, the Senate 91–6 and was signed by President Bill Clinton. The classification of broadband as a Title II public utility in 2015 was completely contrary to the intent of the law.”

[ATR Statement in Support of Title II Rollback](#)**Grover Norquist | Americans for Tax Reform | April 27, 2017**

“Because of deregulation, the internet has grown into the creative and economic engine that has kept America at the forefront of worldwide innovation without meddling government bureaucrats. But in 2015 the Obama administration claimed government control was better than consumer control and competition. They ignored existing competition and innovation and imposed utility regulations based on a law designed for the economy of the Great Depression, known shorthand as Title II. Customers should be able to access what they want online. Title II moves us away from this goal, not towards it.”

[Acting Chairman Ohlhausen Welcomes FCC Action as Important Step to Restore FTC Consumer Protections](#)**Maureen Ohlhausen | FTC | April 26, 2017**

“I welcome Chairman Pai’s announcement as an important step toward restoring the FTC’s ability to protect broadband subscribers from unfair and deceptive practices, including violations of their privacy. Those consumer protections were an unfortunate casualty of the FCC’s 2015 decision to subject broadband to utility-style regulation. I look forward to working with Chairman Pai and other stakeholders to return to broadband subscribers the consumer protections they deserve.”

[Brent Skorup Responds to FCC Chairman Pai's Speech on the Future of Internet Regulation](#)

Brent Skorup | Technology Policy Project | April 26, 2017

“Chairman Pai’s announcement is welcome news for Americans who believe that speech online and new Internet services should not require permission from the nation’s media regulator. The Open Internet rules, particularly the vague “general conduct standard,” serve merely as a pernicious invitation to regulators and special interests to shape the Internet and new services. Innovators in Silicon Valley and across America should determine how the Internet evolves, not lawyers and lobbyists in Washington, DC.”

[Do Not Let The Government Control Speech On The Internet](#)

Dan Schneider | Breitbart | April 26, 2017

“We believe current FCC Chairman Ajit Pai is prepared to finish the job and liberate the internet from Obama’s government takeover. Americans should cheer Chairman Pai’s promotion to chairman. His courage and resolve make him our best hope for making sure that an open internet is a reality instead of a deceptive campaign slogan.”

[Heartland Institute Experts React To Pai's Speech On New Broadband Regulation Rules](#)

Steven Titch | The Heartland Institute | April 26, 2017

“If left unchanged, network neutrality would force the FCC to meddle in every broadband pricing, marketing, and sales plan, making for a string of inconsistent and ad hoc rulings. It is regulation at its worst and Chairman Pai is correct to pull it back”

[AFP on Plans to Roll Back Net Neutrality](#)

Americans for Prosperity | April 26, 2017

“We’re thankful to Chairman Pai for restoring the government’s traditional hands-off approach to the Internet. It was the competitive free market that gave us the Internet, one of the greatest innovations in history, and keeping the Internet free of government meddling will allow continued advancements.”

[Chairman Ajit Pai Is Draining the FCC Swamp](#)

Timothy Lee | CFIF | April 20, 2017

“The internet wasn’t broken. It had flourished and transformed our lives like no other innovation in human history. And that occurred precisely because administrations spanning two decades and both political parties, beginning with Clinton/Gore, wisely chose a “light touch” regulatory approach.”

[FSF President Randolph May Applauds FCC Chairman Ajit Pai's Proposal to Curtail Internet Regulation: Current Rules Lead to Net Neutering, not Net Neutrality](#)

Randolph May Free State Foundation | April 26, 2017

“I applaud Chairman Pai’s initiation of a proceeding to reverse the most problematic aspects of the Internet regulations adopted by the Obama Administration’s FCC. The most important proposal is the elimination of the Title II common

carrier classification for Internet providers because this designation subjected them to public utility-like regulation. Public utility regulation is inappropriate for a digital broadband marketplace that is competitive and dynamic. If left in place, I have no doubt that it will stifle innovation and investment.”

Tech Innovators Media Call

John Perry Barlow | Tech Innovators | April 26, 2017

“I believe that as soon as you allow any government anywhere the ability to impose regulations on the internet, it does great harm to the right to know. There are people who feel that surely government can fix this, that a little right minded regulation will help people build architectures and organizations. I don’t think there’s anything to support this. Anytime I’ve seen regulations, it’s been mayhem. I want net neutrality as much as anyone, but I don’t think that turning it over to the FCC is going to manage the job. I think it is common sense that you don’t equate telephone numbers with addresses.”

Tech Innovators Media Call

Toby Farrand | Tech Innovators | April 26, 2017

“My company competes with Verizon, AT&T, and the other service providers and I’m always fascinated to see the stories that talk about net neutrality protecting companies like mine. I can say first hand that anytime that we’ve had voice quality issues, it hasn’t been from our bits being slowed by ISPs. When we’ve had issues, it’s almost always been Netflix.”

V. HARMS TO CONSUMERS and COMPETITION

[Time for the FCC to stop regulating the net like it's 1934](#)

Jonathon Hauenschild, ALEC | The Hill | April 28, 2017

“In addition to the problems of applying an archaic paradigm to a modern technology, legislators in the 1930s could not have anticipated the rise of computers or the Internet. That being said, the laws they passed relating to communications services could not have adequately protected consumers of the modern technology. In other words, when the government believes laws passed in an era when the most popular cars included the Packard and air transportation was a privilege only the extremely wealthy could afford can properly regulate modern technologies, it cannot properly protect consumers. The FCC should not regulate a modern technology “like it’s 1934.” Communications laws need to be updated so they look toward the future and do not trap modern technologies in regulatory schemes of a bygone era.”

[Controlling the nation’s internet](#)

Gerard Scimeca | The Washington Times | April 27, 2017

“Since the Title II order went into effect, investment in broadband has gone down each quarter — a first. This has led to providers having to slow expansion, upgrades, and new services for their customers, reversing the trend of the internet giving us more content, better service, faster speeds, at less cost. Consumers lose with government regulating the

internet like a utility, but big content providers like Google, Facebook and Netflix love it because they win no matter what rules the government imposes on our modems or local internet providers.”

[ACA Supports FCC Chairman Pai On Effort To Lift Title II Regulation Of ISPs](#)

Mathew Polka | American Cable Association | April 26, 2017

"For smaller ISPs, most of whom operate in more rural areas, the costs of these rules are real and substantial. Their customers also are being harmed as smaller ISPs have put off network investments and are deferring, and even halting, the development of new features and services. The 2015 rules have turned out to be all pain and no gain. And so, Chairman Pai is more than justified in re-evaluating these misguided rules to better ensure an open Internet.

[The Hispanic Technology and Telecommunications Partnership's \(HTTP\) Statement on FCC Chairman Ajit Pai's Proposed Net Neutrality Rulemaking](#)

Rosa Mendoza | HTTP | April 27, 2017

"The Hispanic Technology and Telecommunications Partnership (HTTP) strongly supports an open Internet and advocates for all consumers, particularly Latinos who are still on the wrong side of the digital divide, to have equal access to broadband and all Internet resources that ensure professional and personal success, as well as all the necessary legal protections. HTTP believes Title II is not the appropriate regulatory mechanism to keep the Internet free and open. Instead, the focus should be on regulatory solutions that ensure access, innovation, investment, and transparency and where services for consumers are not degraded or throttled and where they are protected.”

[Why the FCC is off to a great start in Trump's first 100 days](#)

Brandon Arnold | Washington Examiner | April 26, 2017

"Pai's new rule will reverse the Obama administration's ill-advised 2015 net neutrality policy, which effectively treats internet service providers like utility companies. This is a significant change because Obama's rule has stymied innovation and reduced the deployment of new broadband services. This has obviously been a problem for consumers and internet service providers, but has also had a significant negative impact on the federal budget – a fact that should be extremely concerning for taxpayers.”

[Public Utility Regulation Of Broadband: Lessons From The Electricity Industry](#)

Daniel Lyons | Forbes | April 24, 2017

"In dynamic, competitive industries like telecommunications, public utility regulation is not only misplaced, but affirmatively harmful to consumers. It is rigid and inflexible, precluding industry players from responding to new technological developments in ways that help consumers.”

[The Net Neutrality Noise Machine](#)

Phil Kerpen | American Commitment | April 19, 2017

“Chairman Pai is soon expected to unveil his plan to undo the Obama order and replace it with a light-touch approach that centers on competition and consumer protection and allows government intervention only when there is actual consumer harm – not just scare stories. And in a refreshing break from the usual pattern of regulators accruing to themselves as much power as possible, the Pai plan will probably relinquish authority from his own agency to the Federal Trade Commission, which has far better expertise in consumer protection and competition issues.”

[The Real Story on Broadband Service Competition and Regulation](#)

Raymon Keating | SBE Council | April 19, 2017

“Policymakers need to understand that more government regulation and control – such as treating broadband service providers like 1930s utilities – will only raise costs, and wind up restraining or reducing investment. Who suffers as a result? Well, just about everyone – not just large broadband providers, but also entrepreneurial firms in the telecommunications sector, content providers, and of course, consumers, including small businesses that rely on broadband services for the health of their enterprises.”

[The Tangled Web of Net Neutrality and Regulation](#)

Larry Downes | Harvard Business Review | March 31, 2017

“Most efforts to regulate the internet make things worse in the long term — or, in this case, much sooner. Here, the effort to transform Internet Service Providers (ISPs) into utilities is a cure far worse than the problem.”

Free Market Comments on Chairman Pai's Title II Repeal

"Net neutrality is a prime example of the government overreaching its authority and creating a bureaucratic solution for a non-existent problem. ... It was the competitive free market that gave us the Internet, one of the greatest innovations in history, and keeping the Internet free of government meddling will allow continued advancements." [Brent Gardner – Americans for Prosperity](#)

"The Telecommunications industry is now 16% of our economy - roughly the same amount as healthcare. The Obama Administration wanted government control of communications just as it wanted to control our healthcare choices through Obamacare and capital flows through Dodd-Frank." [Grover Norquist – Americans for Tax Reform](#)

"[T]wo years ago the Obama Administration's FCC radically reversed two decades of bipartisan consensus by needlessly reclassifying internet service as a 'public utility' under 1930s laws enacted for copper-wire telephone service. ...,[I]t was a scheme to extend government control over yet another sector of our economy." [Tim Lee – Center for Individual Freedom](#)

"Chairman Pai is taking an important step to free the internet from government control.... It will also restore the authority of the Federal Trade Commission to protect online privacy for the entire internet ecosystem." [Tom Schatz – Citizens Against Government Waste](#)

"The FCC's 2015 Internet regulations must be eliminated in order to promote competition and innovation in the broadband market, which will ultimately serve American consumers with more choices and better products at lower prices." [Ryan Radia – Competitive Enterprise Institute](#)

"President Obama's Open Internet Order is a direct threat to the future of the internet, transforming the internet from a world of permissionless innovation to a world of mother-may-I regulation, with the FCC as the new power broker." Adam Brandon - FreedomWorks"Public utility regulation is inappropriate for a digital broadband marketplace that is competitive and dynamic." [Randolph May, Free State Foundation](#)

"Pai's new rule will reverse the Obama administration's ill-advised 2015 net neutrality policy, which effectively treats internet service providers like utility companies. This is a significant change because Obama's rule has stymied innovation and reduced the deployment of new broadband services." [Brandan Arnold – National Taxpayers Union](#)

"Government control and interference has slowed down broadband infrastructure investment and hindered competition and choice. The time to remove the regulatory stranglehold on the internet is here. Chairman Pai understands that a slow-moving government bureaucracy is no match for the dynamic private sector." [David Williams – Taxpayers Protection Alliance](#)

"The debate of the last decade has never really been about 'net neutrality,' but the FCC's sweeping claims of power over the Internet." [Berin Szóka - TechFreedom.](#)

News Articles

THE WALL STREET JOURNAL.

<https://www.wsj.com/articles/make-the-net-neutral-again-1493229903>

Make the Net Neutral Again

Ajit Pai's FCC moves to roll back political control of the web.

April 26, 2017 2:05 p.m. ET

One of President Trump's more ambitious appointees is Federal Communications Commission Chairman Ajit Pai, who on Wednesday unveiled an outline for rolling back Obama Administration rules that regulated the web like a 1890s railroad. Mr. Pai will be maligned by the left for undermining the "open internet," but his plan would restore freedom and innovation that the federal government disrupted.

Mr. Pai in a speech at Washington's Newseum sketched out a plan to untangle the 2015 "net neutrality" rules that classified the internet as a public utility under the Communications Act, a law carbon-dated to the 1930s. The rules give the FCC broad authority to dictate whether broadband practices are "reasonable." Liberal pressure groups like Public Knowledge and Free Press said that nefarious cable companies might someday, somewhere block websites or slow browsing. Years later, no one can drum up an example.

The Pai plan would revert to the bipartisan consensus that the internet should be "unfettered by Federal or State regulation," as Congress put it in a 1996 update to the Communications Act. Thus the agency will vote in May on a proposal to designate the internet as an information service, the status quo of two years ago. The Supreme Court upheld this "light touch" framework in 2005, and Mr. Pai explained in his speech that government nonintervention helped spur \$1.5 trillion of private investment that built high-speed internet pipes.

But then came the regulatory uncertainty of a government takeover of the internet. Between 2014 and 2016, Mr. Pai notes, capital expenditures on broadband from America's 12 largest internet-service providers dropped 5.6%, or \$3.6 billion, a decline he called "extremely unusual" in prepared remarks. This is "the first time that such investment has declined outside of a recession in the internet era."

Among the losers are rural areas where profit margins are low: For instance, a provider that serves about 475 customers in northern Illinois recently delayed plans to rev up network speeds to 20 Mbps from 3 Mbps. One irony is that net-neutrality advocates claimed [Comcast](#) and a handful of others wielded a broadband monopoly—and then enacted a policy that crushes small competitors.

As part of the return to normalcy, Mr. Pai proposes to eliminate a 2015 rule known as the internet conduct standard. This is an arbitrary directive that he says gave the agency “a roving mandate to micromanage the internet,” sometimes going after wireless companies for the high sin of providing popular services. FCC launched a probe into plans that allow customers to stream unlimited videos or music. The commission closed the investigation after the election, but repeal will prevent future expeditions.

The commission will also ask for comments on how to move forward with “bright-line rules” from 2015 that include a ban on “fast lanes” for content or “paid prioritization.” That ban forbids providers from charging more for carrying more content, which makes as much sense as telling [FedEx](#) that the company can offer two-day shipping but not overnight delivery.

By the way, these “fast-lanes” are hypothetical, and no broadband provider is interested in creating them, in part because they are impractical to engineer. Even so, the government walls off future innovation by stipulating that cat videos must be treated the same as telemedical X-rays or Amber alert notifications. The irony is that Google and [Facebook](#) already offer faster delivery for services like “instant articles” that appear at 10 times the normal speed.

A promise not to block or slow content could be stipulated in terms of service agreements. A violation could be punished by the Federal Trade Commission, which enjoys broad authority to police anticompetitive behavior. The FTC’s enforcement power has long obviated the need for an FCC net-neutrality scheme.

Mr. Pai said he’ll advance his proposal under a notice and comment procedure, instead of offloading the rules with a blunt agency tool known as a declaratory ruling. This is a welcome departure from his predecessor, Tom Wheeler, who ditched his own net-neutrality proposal after President Obama ordered the agency to invoke public-utility regulation. Mr. Wheeler’s final 300-page order was rushed out to avoid public scrutiny, but Mr. Pai has promised to release his proposal to the public this week.

Mr. Pai’s open process won’t prevent a synaptic breakdown by the lobbyists who want political control of the internet and are calling him a shill for cable companies and a fascist who wants to squelch speech on the web. No matter that Mr. Pai wants to divest government and himself of discretionary power. Mr. Pai deserves particular credit for calling out Free Press as a “spectacularly misnamed” group that deployed net neutrality as a pretext for government control.

The Pai plan will take regulatory shape in stages over the next few months, and perhaps his actions will galvanize Congress to take the hint and codify his protections into law. Mr. Pai on Wednesday described the internet as “the greatest free-market success story in history,” and with his help the web will continue to be a tremendous engine of innovation.

Rush Limbaugh Show Transcript

<https://www.rushlimbaugh.com/daily/2017/04/27/ajit-pai-calls-out-the-left-on-their-plan-to-control-the-internet/>

Limbaugh on FCC Chairman Pai's Title II Announcement

5/27/17

RUSH: Ajit Pai is the chairman of the Federal Communications Commission. He is a wonderful man, very, very smart, and is prepared now to roll back elements of Title II of the communication law, which is popularly known as net neutrality. Net neutrality is a total creation of left-wing politics, and it has many lies, many fraudulent notions about it, such as the internet will only be free and open when government is regulating it.

There will never be full free speech on the internet unless government is regulating it. Government must regulate content so that nobody has an advantage based on money. This is nothing more than a proscription for the liberal takeover of the internet, and like everything else, they call it something the exact opposite of what it is, net neutrality. So Ajit Pai showed up at the Newseum in Washington yesterday because he's about ready to start moving on this, and we have a couple of sound bites here of him explaining this.

PAI: Throughout the discussion that is to come, you will hear from the other side that Title II is the only way to preserve a free and open internet. Let me be clear. This is a lie. For decades before 2015, we had a free and open internet. Indeed, the free and open internet developed and flourished under light-touch regulation. We weren't living in some digital dystopia before the partisan imposition of a massive plan hatched in Washington saved all of us from ourselves. The next argument you are going to hear is that Title II is necessary to protect free speech. That's right. Some will argue that government control is the key to your ability to express yourself on the internet.

RUSH: Exactly as I said. Now, we've talked to commissioner Pai for the Limbaugh Letter a couple of times, and I read my tech blogs frequently, and he's hated. These Millennial tech bloggers despise this guy. And they write insulting, demeaning things about how he's an idiot, he's a sop to the telecom industry. He used to work for Verizon or somebody who they hate.

And they really believe that net neutrality, which was created by Obamaites — don't forget, one aspect of net neutrality, too, was to make sure that something in the internet didn't happen like it happened here on radio. Talk radio, mostly conservative, the left said we're not gonna let that happen on the internet. So net neutrality was also about content, although they didn't ballyhoo that much.

And Obama's FCC made some steps to implement it. Ajit Pai is now in the process of unraveling it, and he's exactly right! Before net neutrality, everything was fine and dandy. There weren't any impositions on speech on anything of the sort. They were just imagined. The left does not want a free and open playing field where they might lose. They have to control everything. One more little bite here from Ajit Pai.

PAI: Consider, for example, the leading special interest in favor of Title II. A spectacularly misnamed Beltway special interest called "Free Press." It's cofounder and current board member makes no effort to hide true agenda. While he says that we're not at the point yet where we can completely eliminate the telephone and cable companies, he admits that —

and I quote — **“The ultimate goal is to get rid of the media capitalists in phone and cable companies and to divest them from control.” And who would assume control of the internet? Well, the government, of course. The overall goal, as he put it, “was to remove brick by brick the capitalist system itself, rebuilding the entire society on socialist principles.”**

RUSH: That’s exactly right. I doubt there are too many other people in government who would have the guts to call the left out this way in their attempt to takeover control of the internet. Everything they’re doing is rooted in anti-capitalism and anti-Western civilization, and it’s always disguised as, “We want to make it fair! We want to make it open. We want to make it better, want to make it free, want to make it cheaper, want to make it nice and unoffensive,” and all this other rotgut crap. It just... I do. I cringe, folks, when I see all these young skulls full of mush just fall for this crap. I know young people since the beginning of young people have fallen for this stuff, but I can’t help it. It’s frustrating beyond belief.