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## WLF Urges D.C. Circuit to Uphold FCC's Decision to Rescind "Net Neutrality" Rules

(*Mozilla Corp. v. FCC*)

**"The FCC acted appropriately when it rescinded its 2015 'net neutrality' rules and replaced them with a regulatory regime that more closely resembles the type of oversight that Congress envisioned. In adopting the Telecommunications Act of 1996, Congress sought to increase capital investment in broadband technology by deregulating the Internet."**

**—Richard Samp, WLF Chief Counsel**

WASHINGTON, DC—Washington Legal Foundation (WLF) late yesterday urged the U.S. Court of Appeals for the D.C. Circuit to uphold the Federal Communications Commission's decision to rescind its 2015 rules that imposed massive new regulations on Internet providers. In a brief filed in *Mozilla Corp. v. FCC*, WLF argued that the FCC had vastly exceeded its statutory authority in 2015 when it adopted regulations allegedly designed to require providers to grant equal access to all potential Internet users. WLF filed its brief with substantial *pro bono* assistance from Thomas R. McCarthy and Bryan K. Weir, attorneys with Consovoy McCarthy Park PLLC in Washington, D.C., as well as the Administrative Law Clinic of the Antonin Scalia Law School.

At issue in the lawsuit is whether Congress intended to define broadband Internet service as an "information service" or a "telecommunications service." If the latter, then the FCC is entitled to impose significant regulations similar to those imposed on common carriers (such as traditional telephone companies). WLF argued, however, that the current FCC correctly concluded that broadband Internet access is properly classified as an "information service" under federal law and thus should be regulated far more lightly. WLF noted that the light regulatory touch exercised by the FCC over the past several decades has helped to create the vibrant Internet that exists today, and it cautioned that extensive regulation is likely to inhibit further growth.

WLF also argued that the FCC acted properly when it decreed that States are not permitted to impose their own versions of "net neutrality." WLF explained that allowing even one State to do so would effectively re-impose "net neutrality" nationwide. Internet providers are not capable of segregating Internet traffic on a state-specific basis, and thus providers could comply with more onerous state-specific rules only by applying those rules nationwide.

*Celebrating its 41st year, WLF is America's premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.*

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