



## **NETWORK NEUTRALITY AND RECLASSIFICATION – THE BASICS**

### **What is network neutrality?**

Network Neutrality and open Internet are synonyms used to describe the principle that all data travelling over the Internet should be treated equally. The Federal Communications Commission (FCC) is in the process of redeveloping Network Neutrality rules. To truly protect an open Internet, the FCC must adopt “real Network Neutrality,” to include:

- Banning Internet service providers (ISPs) like Verizon, AT&T and Comcast from blocking content, websites and applications on the Internet;
- Banning unreasonable and unjust discrimination, including paid prioritization, a pay-for-play system whereby those with deep pockets can pay ISPs to reach Internet users in a fast lane, leaving the rest of us in a slow lane;
- Requiring ISPs to be transparent and disclose to customers any network management practices or business arrangements that could impact their quality of service;
- Protecting all Internet users regardless of whether they choose to access the Internet on a home computer or on a mobile device. Communities of color and low-income individuals, who are more likely to rely on wireless to access the Internet, should not be subject to harmful, profit-driven whims of ISPs while others are protected;
- Preventing ISP discrimination and blocking before it happens, and not after the fact; and
- Treating ISPs as common carriers by reclassifying broadband as a Title II service.

### **This sounds like a lot of tech and legal jargon. Why should I care about this?**

The Internet is a democratizing force where people of color and others who have suffered discrimination at the hands of mainstream media can participate in the American economy, democracy and media. On the Internet, Latin@s are telling our own stories with fairness and accuracy, organizing against racism and stereotyping, educating ourselves, engaging in civil society, producing and monetizing content and applications, and running small businesses. Such activities are [in danger](#) without real Network Neutrality – real Network Neutrality protects the free speech, activism, civic participation, educations and livelihoods of countless Latin@s.

### **How does “real Network Neutrality” differ from the FCC Chair’s tentative proposal?**

Real Network Neutrality bans blocking, discrimination and paid prioritization before it happens. It rests on a sustainable legal theory by reclassifying ISPs as common carriers. On the other hand, the Chair’s tentative proposal allows discrimination and paid prioritization. The Chair seems loath to use the only legal path that can survive judicial scrutiny: reclassification.

### **What is “reclassification” and why is NHMC in support of it?**

Reclassification is the only legal theory under which the FCC has sound authority to enact Network Neutrality protections. Under reclassification, the FCC would characterize ISPs as

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utility providers, or common carriers. The FCC has jurisdiction over common carriers under Title II of the Communications Act, so this reclassification would allow the FCC to oversee ISPs. Here's why people of color should urge the FCC to reclassify ISPs under Title II:

- Without reclassification, the high costs of Internet connectivity will continue to rise. In the absence of ISP regulation under Title II, [prices are through the roof](#) with constant increases and fees. [Nearly half of American Latino families do not have home broadband connections](#) for two main reasons: because it is not available in their areas or because they cannot afford it. African Americans and Native Americans also suffer from very low home broadband adoption rates. The status quo should be unacceptable to anyone who cares about bringing affordable broadband to poor and rural communities - we need change! Internet service across the U.S. is increasingly slower and more expensive than in a litany of other [countries](#) whose governments have provided for meaningful competition and affordability. Prices have and will continue to rise absent regulation due to a [lack of competition](#) and an insatiable desire to increase margins.
- Deployment of ubiquitous, affordable phone service across the U.S., commonly seen as a success, was made possible in part by Title II requirements. Deployment of broadband has not been nearly as successful in a landscape without any Title II regulations, and the notion that ISPs will bring affordable access to our communities if only we allow them to run free of common sense regulations is a false choice which runs afoul of history.
- Based on careful analysis of the *Verizon v. FCC* case, reclassification is the only way that the FCC can achieve sustainable authority to prevent blocking and discrimination on the Internet. Reclassifying ISPs under a Title II theory provides the FCC with a source of authority, not necessarily regulation in itself. Reclassification does not automatically equal "heavy-handed regulation."
- Reclassification would provide the legal authority for the FCC to modernize Universal Service Fund (USF) programs such as E-rate and Lifeline to achieve universally affordable broadband access at schools, libraries and home.
- Reclassification would ensure that rural communities remain connected to reliable communications and emergency services.

### **Who else supports Network Neutrality rules and reclassification?**

Too many to list! 3.5 million have contacted the FCC in support of real Network Neutrality and reclassification, including Internet companies like Etsy and Kickstarter, non-profit and civil liberties groups, educational providers, small business owners, activists and creators.

### **Is there any hope? What action can I take to make a difference?**

Yes, there is still time to make a difference! Go to [www.nhmc.org](http://www.nhmc.org) for more info, or reach us at the address and phone numbers listed on the bottom of this page. To send a message to the FCC Chair, e-mail [openinternet@fcc.gov](mailto:openinternet@fcc.gov). To hold Latin@ members of Congress accountable, visit <http://presente.org/campaign/nnreps/>.

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