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Press Release

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FEDERAL COMMUNICATIONS COMMISSION HAS AMPLE AUTHORITY TO OVERSEE BROADBAND SERVICE PROVIDERS UNDER CURRENT STATE OF THE LAW

Calls to Reclassify Broadband Internet Access as Title II Telecommunications Service are Unwarranted

WASHINGTON, D.C. – When the Internet was in its nascency, the Federal Communications Commission rejected calls to impose traditional “common carrier” regulation designed for a monopoly telephone world. Instead, the agency classified broadband Internet access as an “information service” under Title I of the Communications Act, and this light touch approach is widely credited with the rapid pace of deployment, adoption, and innovation consumers enjoy today in the broadband ecosystem. With the Commission’s efforts to move forward with the IP Transition and with its new attempt to draft legally-sustainable *Open Internet Rules*, some now argue that the current legal regime fails to provide the Commission with sufficient oversight authority and, as such, the Commission should reclassify broadband Internet access as a Title II common carrier “telecommunications” service. In an effort to provide some illumination to this important topic, in a new POLICY BULLETIN released today, Phoenix Center President Lawrence J. Spiwak reviews three recent cases from the D.C. Circuit—*Comcast v. FCC*, *Cellco Partnership v. FCC* and *Verizon v. FCC*—to evaluate the current state of the law. After review, these cases indicate that the Federal Communications Commission has ample legal authority over Broadband Service Providers under the current legal regime and, as such, reclassification of broadband as a Title II telecommunications service is unwarranted.

“While the FCC’s regulatory authority over broadband Internet services is today a hot topic, the discussion is too often emotional and uninformed,” said study author and Phoenix Center President Lawrence J. Spiwak. “My intent with this paper is to inject some legal scholarship into the debate so that we can appropriately refocus the discussion back upon what the law actually is rather than what some believe it to be.”

A full copy of the paper, PHOENIX CENTER POLICY BULLETIN NO. 35: *What Are the Bounds of the FCC’s Authority Over Broadband Service Providers? A Review of the Recent Case Law* may be downloaded free from the Phoenix Center’s web page at: <http://www.phoenix-center.org/PolicyBulletin/PCPB35Final.pdf>.

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