



OPEN INTERNET & BROADBAND RECLASSIFICATION

WHAT IS BROADBAND RECLASSIFICATION AND WHY IS IT IMPORTANT TO PEOPLE OF COLOR AND THE WORKING CLASS?

Here's the thing. Just as the Bush-era FCC could decide to move broadband access under Title I – and kneecap itself as a regulator – the Obama-era FCC can now return broadband access to a Title II classification, as originally envisioned by the 1996 Telecommunications Act. Title II authority is much broader and would give the FCC clear powers to protect against the types of Net Neutrality abuses and content discrimination we've seen from the likes of Comcast and others. Without Title II authority over broadband access, the FCC is effectively powerless to do anything to stop companies like AT&T, Comcast, Verizon and Time Warner Cable from prioritizing certain websites, blocking or slowing others, or mucking with any content that travels across their “last-mile” connections into homes.

The path to abuse has now been cleared, and **people of color and the poor will be disproportionately impacted.** Carriers have already built business models around a future Internet where they routinely exercise their power to block content.

PRESIDENT OBAMA AND FCC CHAIRMAN GENACHOWSKI MADE A PROMISE TO PROTECT AN OPEN INTERNET

- While on the campaign trail, [Barack Obama pledged to appoint Net Neutrality supporters as commissioners to the FCC](#). In October 2008, Obama was asked a video question that had been voted “most popular” by MTV viewers. The citizen-questioner asked Obama whether he'd “make it a priority to reinstate Net Neutrality as the law of the land” and to “only appoint FCC commissioners who support open Internet principles like Net Neutrality.” Obama answered “yes.” [See the video now.](#)
- Julius Genachowski was offered the FCC Chairmanship based on [his support of open Internet principles](#). He was one of the chief architects of [Obama's pro-Net Neutrality position](#) during the campaign, and he came into office with a clear understanding that protecting the open Internet would be Job One at the FCC.
- Within months of his appointment Genachowski launched a proceeding to make Net Neutrality enforceable. [During a September 2009 speech at the Brookings Institute](#) he said: “The principles that will protect the open internet are an essential step to maximizing

- Obama supports Net Neutrality
- Obama's former advisor on Internet issues supports reclassification
- Leading figures in Congress (including Commerce Committee members Markey and Rockefeller) have called on him to immediately reassert the agency's authority
- Fellow FCC Democrat Michael Copps has called for reclassification; Genachowski can get a majority vote of the commissioners
- A whopping 250,000 people have signed a petition urging the FCC to reclassify
- Opeds in The NY Times, LA Times, Financial Times and other leading journals have called for it.



investment and innovation in the network, on the edge of it, in the cloud, by establishing rules of the road that incentivize competition, empower entrepreneurs, and grow the economic pie to the benefit of all.”

- Over the last 6 months the agency has been collecting public comments on whether it should protect Net Neutrality. Many organizations and bloggers have been active in encouraging their readers/members to file comments over this period. When the docket closed at the end of April, more than 85% of comments were in support of strong FCC authority to protect Net Neutrality.



Senator Barack Obama promising Net Neutrality on MTV.

GENACHOWSKI'S DILEMMA

- The DC Circuit of the Federal Appeals Court found that the FCC lacked the authority to protect an open Internet under its present Title I classification. The decision struck a powerful blow against the agency plans to protect Net Neutrality. The FCC had argued that it had “ancillary authority” to act as the Internet’s referee. The court determined that it did not.
- The court decision highlighted a problem that had existed since the Bush FCC reclassification. Without clear Title II authority, the FCC’s efforts to protect the Internet would be subject to frequent legal scrutiny. A Title I classification for broadband does not give the Federal Communications Commission the clear authority to act as a watchdog over the future of communications.
- The Supreme Court had earlier ruled that the FCC had the power to reclassify broadband access. The law is on the FCC’s side. There is no reason Genachowski cannot reclassify broadband under Title II. The political consensus seems to support this action.

Genachowski has political cover – in Washington, at the grassroots and netroots – to do the right thing. But the phone and cable lobby is a mighty force. If yesterday’s Post story is true, it seems AT&T has put the fear of ... well, AT&T, into Genachowski. If he sides with them and does not move to protect the open Internet it will have dire consequences for the rest of us – especially migrants, African Americans communities, and poor people.

Source: Free Press