

The Net-Net of the Net Neutrality Repeal

By [Andrew J. Olek](#)

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On December 14, 2017, the Federal Communications Commission voted to repeal the Open Internet Order of February 2015 (commonly referred to as “Net Neutrality”). The Open Internet Order was enacted by the Obama administration to place certain limits on broadband internet providers with the goal of providing fair and equal internet access across the United States.

The repeal allows broadband providers to undertake several restrictive actions relating to internet speed and internet access, including, but not limited to:

- Blocking lawful content;
- Throttling the speed of certain webpages and lawful content;
- Favoring certain webpages and content over others; and,
- Charging users a fee to access certain content, while keeping other content accessible free of charge.

The issues arising from this repeal are extremely complex and will likely continue to play out in practice, as well as in the courts, throughout the upcoming months and possibly years.

Certain companies and institutions that rely heavily on internet speed or access to content on the internet will be forced to adjust or adapt, while simultaneously navigating the instant uncertainty of the scope of the repeal’s effects.

Everything from the buffering speed of your favorite Netflix show, to the amount of content a teacher can access in a classroom remains in flux, as broadband providers determine their next course of action following the Open Internet Order’s repeal.

New York State Attorney General Eric Schneiderman is considering a lawsuit against the FCC over the hearing process, and ultimately an attempt to repeal the Open Internet Order. Several states have indicated that they would join New York in such efforts. Senate Democrats have also indicated that they plan to take action in an effort to reinstitute the Open Internet Order. All of this means that Net Neutrality will likely remain in the headlines for the foreseeable future – but how many headlines you will have access to still remains to be seen.

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