

The Net-Net of the Net Neutrality Repeal

By [Andrew J. Olek](#)

December 20, 2017 | **CORPORATE**

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.

Disclaimer: *The information in this post is provided for general informational purposes only, and may not reflect the current law in your jurisdiction. No information contained in this post should be construed as legal advice from our firm or the individual author, nor is it intended to be a substitute for legal counsel on any subject matter. No reader of this post should act or refrain from acting on the basis of any information included in, or accessible through, this post without seeking the appropriate legal or other professional advice on the particular facts and circumstances at issue from a lawyer licensed in the recipient’s state, country or other appropriate licensing jurisdiction.*



**Lippes
Mathias**
Wexler Friedman LLP

ALBANY | 54 State Street, Suite 1001 • Albany, NY 12207 • 518.462.0110

BUFFALO | 50 Fountain Plaza, Suite 1700 • Buffalo, NY 14202 • 716.853.5100

CHICAGO | 332 S. Michigan Ave., 9th Floor • Chicago, IL 60604 • 872.254.5500

GREATER TORONTO AREA (PRACTICE FOCUSED ON U.S. LAW) | 1100 Burloak Drive, Suite 300 • Burlington, ON L7L 6B2 • 905.319.8964

JACKSONVILLE | 10151 Deerwood Park Blvd. , Bldg. 300, Suite 300 • Jacksonville, FL 32256 • 904.660.0020

NEW YORK CITY | 477 Madison Avenue, 6th Floor • New York City, NY 10022 • 646.673.8633

WASHINGTON D.C. | 1900 K Street, NW, Suite 730 • Washington, DC 20006 • 202.888.7610