

THE INTERNET REMAINS OPEN AND FREE – CONSUMER PROTECTIONS REMAIN IN PLACE

Existing consumer protections and anti-trust laws are already keeping the internet open and free.

REGULATOR	EXISTING PROTECTION
Federal Communications Commission (FCC)	<p>The FCC requires internet service providers to publicly disclose information about their practices to consumers, entrepreneurs, and the FCC, including any blocking, throttling, paid prioritization, or affiliated prioritization.</p> <p>The FCC also monitors the broadband market and identifies market entry barriers by, among other activities, reviewing informal complaints filed by consumers, and will investigate and take enforcement action as appropriate with respect to failures to comply with the Internet Freedom Order.</p>
Federal Trade Commission (FTC)	<p>The FCC Internet Freedom order restores broadband consumer protection authority to the FTC, enabling it to apply its extensive expertise to provide uniform online protections against unfair, deceptive, and anticompetitive practices.</p> <p>The FTC will investigate and take enforcement action as appropriate against internet service providers for unfair, deceptive, or otherwise unlawful acts or practices, including but not limited to, actions pertaining to the accuracy of the disclosures such providers make pursuant to the Internet Freedom Order's requirements, as well as their marketing, advertising, and promotional activities.</p> <p>The FTC also requires the "disclos[ur]e [of] material information if not disclosing it would mislead the consumer," so if an ISP "failed to disclose blocking, throttling, or other practices that would matter to a reasonable consumer, the FTC's deception authority would apply."</p>
FCC & FTC	<p>Both the FCC and FTC have committed to regularly coordinate potential investigations against internet service providers that could arise under each agency's jurisdiction.</p>
Department of Justice, State Attorneys General, Antitrust & Fair Competition Authorities	<p>Antitrust laws protect competition in all sectors of the economy where the antitrust agencies have jurisdiction. Application of these strong, enforceable antitrust laws would address any of the hypothetical harms, should any ever materialize.</p> <p>If internet service providers reached agreements to unfairly block, throttle, or discriminate against internet conduct or applications, these agreements could be per se illegal under the antitrust laws. Applying the same body of law to internet service providers, edge providers, and all internet actors avoids regulatory distortions.</p>
Competition	<p>Providers have committed to no blocking, no throttling, and no unfair discrimination. These commitments can be enforced by the FTC. Attempts to undermine the openness of the internet would also be resisted by consumers and edge providers.</p>

ADDITIONAL RESOURCES:

- FCC Restoring Internet Freedom Order¹
- FCC/FTC Sign MOU to Coordinate Online Consumer Protection Efforts²