

Round Two for 'Title II Lite'

by [Andrew McDiarmid](#) [1]

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Yesterday, we filed yet another set of [comments](#) [2] with the FCC, this time as it reconsiders its legal authority over broadband service. As we've [said before](#) [3], we fully support the Commission's proposal to reclassify broadband Internet access as a telecommunications service (with forbearance from the lion's share of telecom rules). This is clearly how people use broadband - as a general-purpose connection to their own choice of unaffiliated web content and services - and it is high time for the FCC to recognize this. Again we say the Commission must articulate clear limits to its jurisdiction. Nothing in this reclassification effort should give any hint that they intend - or have any legal authority - to regulate Internet content or services. [Congress](#) [4] and the [courts](#) [5] are crystal clear on this point. This FCC must endorse this state of the law in any reclassification order. Doing so will quiet the doomsday rhetoric that this is part of an effort to "[regulate the Internet](#) [6]," and will help prevent future Commissions from extending the agency's authority in that direction. After arguing extensively that the facts of today's Internet support reclassification, our comments zero in on crafting a definition of "Internet access service" that keeps the focus narrowly on last-mile transmission of data. In addition, we offer some suggestions on protecting customer privacy. Lastly, we argue that the reclassification should apply equally to all providers of broadband Internet access, including wireless carriers, in light of the increasing similarity with which various forms of connectivity are used. Overall, we're optimistic that this FCC is on the right tract, and that one of these days we will end up with a strong, but rightly limited, theory of jurisdiction and a workable set of rules to ensure the continued openness of the Internet. Stay tuned.

- [title II](#)
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