

“Net Neutrality”: FCC Chairman Pai Attempts to Rewrite the Legal History of a Bogus Agreement

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By [Free Press](#)

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On Monday, the Federal Communications Commission and the Federal Trade Commission released a draft “Memorandum of Understanding” on the ways the two agencies will allegedly work together to protect internet users after the FCC guts the open-internet protections in a vote on Dec. 14.

In statement accompanying the MoU, FCC Chairman Ajit Pai falsely claimed that this joint-agency approach “protected a free and open internet for many years prior to the FCC’s 2015 Title II Order.” In reality, jurisdiction over communications networks and Net Neutrality has always rested with the FCC.

Even before the FCC rightly returned to Title II of the Communications Act as the basis for the Net Neutrality rules, the agency always retained its claim to jurisdiction over open-internet principles and the internet service providers that violated them. If the FCC adopts Pai’s proposal to overturn these rules, internet users will be exposed to blocking, throttling and paid prioritization of online content by the handful of ISPs that control access in the United States.

The MoU is available [here](#).

Free Press Policy Director Matt Wood made the following statement:

“The only thing the public needs to understand about this memorandum is that it will leave them at the mercy of AT&T, Comcast and Verizon. All this agreement shows is that the Trump FCC and the Trump FTC have no interest in protecting internet users.

“Ajit Pai’s ongoing attempt to rewrite history looks no better in this memorandum than it does in other settings where he’s tried and failed to justify his radical attack on the open internet. There are many problems with his approach, but the biggest one by far is that Pai is legalizing blocking, throttling and other forms of discrimination.

“Read the fine print: These two agencies plan to rap ISPs on the knuckles only if they fail to disclose their discriminatory practices. But as long as the ISP tells customers what it’s doing, then it’s free to block you and dictate where you can go on the internet. That’s a horrendous change, and an abdication of the

FCC's responsibility to keep communications networks open and accessible to all.

"Don't fall for Pai's claim that he's restoring jurisdiction to the FTC by abandoning his own agency's mission. All Pai could muster last week were childish taunts after consumer advocates asked him to wait for the outcome of a Ninth Circuit court case that greatly diminishes the FTC's jurisdictional claims over phone companies that also provide broadband service.

"Pai has no interest in anything besides empowering cable and phone companies. Today's FCC press release has the audacity to throw in a line at the end about how the FCC is responsible for implementing and enforcing America's communications laws and regulations. In Ajit Pai's warped view, that means throwing up his hands, throwing out the regulations and turning away from the law that governs the FCC."

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