

# BloostonLaw Telecom Update

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## BloostonLaw Compliance Template For FCC's Open Internet/Net Neutrality Rules

**The FCC's Open Internet/Net Neutrality policies require each fixed and mobile broadband carrier to have a policy in place by November 20. To assist our clients with compliance, we are preparing a template that will address the new requirements, in a fashion similar to our CPNI template. The Open Internet template will cost \$375. Please let us know by November 9 if you are interested in obtaining the template. We are also available to help our clients tailor the template as necessary, at our usual hourly rates.**

### Background

The FCC has published its "Open Internet" or "Network Neutrality" rules in the Federal Register. The rules become effective on **November 20** (BloostonLaw Telecom Update, September 21). The Commission's *Report and Order (R&O)* establishes protections for broadband service to preserve and reinforce Internet freedom and openness. The Commission adopted three basic protections that are grounded in broadly accepted Internet norms, as well as the FCC's own prior decisions. **First, transparency:** fixed and mobile broadband providers must disclose the network management practices, performance characteristics, and commercial terms of their broadband services. **Second, no blocking:** fixed broadband providers may not block lawful content, applications, services, or non-harmful devices; mobile broadband providers may not block lawful Web sites, or block applications that compete with their voice or video telephony services. **Third, no unreasonable discrimination:** fixed broadband providers may not unreasonably discriminate in transmitting lawful network traffic. The Commission adopted a more limited set of rules for **mobile broadband**, requiring compliance with **the transparency rule** and **a basic version of the no-blocking rule**.

The Open Internet Order also covers key definitions, such as "reasonable network management", which is likewise broad and which the Commission intends to

further develop on a **case-by-case basis based upon consumer complaints**.

The FCC's rules are intentionally non-specific in order to provide some flexibility in implementing them for providers. The template, however, will provide suggested procedures and language that can be used by each broadband provider to address its specific circumstances to satisfy the new requirements.

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