



For Immediate Release

INCOMPAS Files Petition in United States Court of Appeals to Stop FCC Net Neutrality Repeal

WASHINGTON, D.C. (April 24, 2018) – INCOMPAS, the internet and competitive networks association, whose members include the nation’s leading streaming and internet edge companies, as well as new competitive fiber network builders, filed a Petition in the United States Court of Appeals for the District of Columbia (D.C. Circuit) on Monday challenging the Federal Communication Commission’s (FCC) Restoring Internet Freedom Order.

The [Petition](#) notes that in passing its recent Order, the FCC abandoned its long-held, bipartisan jurisdiction to ensure an open internet. The net neutrality principles of no blocking, no throttling, no paid prioritization and strong interconnection policies that were enshrined in the FCC’s 2015 Open Internet Order were built upon years of FCC and judicial precedent and were twice upheld by the D.C. Circuit.

During the FCC’s rulemaking in 2017, INCOMPAS filed [detailed and substantive](#) arguments as to the risks and harms created by Chairman Pai’s efforts to end net neutrality. This included harms to consumers, streaming and cloud services, and businesses large and small.

The INCOMPAS filings demonstrated how large internet service providers (ISPs) have the incentive and ability to block and throttle content, prioritize their own content over that of their competitors, engage in unreasonable interconnection practices, and generally engage in anti-consumer behavior that harms an open internet. The net neutrality protections of the 2015 Order prevented such behavior and ensured a free and open internet for everyone.

In addition, during the proceeding, INCOMPAS filed a motion to incorporate into the docket findings from previous [merger investigations](#) by the Department of Justice and the FCC that demonstrated ISPs’ incentive and ability to engage in behaviors that threaten an open internet. INCOMPAS believes its motion was improperly denied in the Order and has questioned what the FCC wanted to hide from courts destined to review the Order.

To read a copy of the INCOMPAS petition, [click here](#).

Statements:

INCOMPAS CEO Chip Pickering released the following statement about INCOMPAS’ petition:

“INCOMPAS is proud to lead the tech and competitive network industries’ legal fight to save net neutrality – both the legal precedent and the people are on our side. An open internet is the greatest free market policy in the history of the world. It has launched a streaming revolution that has saved consumers millions and fueled billions in cloud investments by businesses large and small.

“The American people do not want the internet to look more like cable, where prices rise, customer service falls, and gatekeepers control what you watch, read and pay.

“Critical merger information was blocked and withheld from the FCC’s net neutrality proceeding. As we watch the AT&T-Time Warner antitrust trial unfolding, it’s clear large ISPs fear a competitive streaming marketplace. Their desire to gobble up content, rather than creating it from scratch, is a sign that anti-competitive interconnection practices and paid prioritization schemes are on the horizon unless strong net neutrality protections are preserved.

“INCOMPAS is proud to lead the fight for our member companies and millions of American voices who want the internet to be an engine of opportunity for all Americans.”

Additionally, Dane Jasper, CEO of Sonic, an INCOMPAS member company, released the following statement:

“Open internet policies drive growth and investment in new networks. Net neutrality has always been critical for small businesses and start-ups to compete in the internet age. When the FCC eliminated those protections, it opened the door for large, incumbent ISPs to use their gatekeeper position to put a stranglehold on innovation and competition. As an ISP, Sonic believes every American should have access to fast and affordable internet. The repeal of net neutrality threatens this vision, and we’re proud to support INCOMPAS in challenging the FCC’s disastrous Order in Court.”

Fatbeam CEO, Gregory Green, another INCOMPAS member company, added the following:

“Investment from new competitive network builders and net neutrality go hand in hand. Open internet policies that foster streaming and edge growth give the little guy more market incentive to build bigger, faster networks. The large, incumbent providers have erected roadblocks to competitive deployment for decades, seeking to commoditize congestion rather than build bigger, better networks of the future. Fatbeam fully supports INCOMPAS in its challenge to such a flagrant blow to pro-competition policies.”

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About INCOMPAS:

INCOMPAS, the internet and competitive networks association, is the leading trade group advocating for competition policy across all networks. INCOMPAS represents Internet, streaming, communications and technology companies large and small, advocating for laws and policies that promote competition, innovation and economic development. Learn more at www.incompas.org or follow us on Twitter: @INCOMPAS @ChipPickering