



For Immediate Release

INCOMPAS Makes Case to Save Net Neutrality in Court

Lead Petitioner says ISPs have the Means and the Motive to Harm the Streaming Revolution

WASHINGTON, D.C. (August 21, 2018) – In a robust and comprehensive court filing yesterday evening, net neutrality petitioner INCOMPAS, the internet and competitive networks association, detailed its arguments for saving strong open internet protections that benefit consumers and businesses thriving from the streaming revolution.

The briefing to the United States Court of Appeals for the D.C. Circuit argues that the Federal Communications Commission (FCC) unlawfully repealed net neutrality rules. INCOMPAS asks the court to vacate the FCC's decision and immediately restore open internet protections that have driven innovation for two decades.

INCOMPAS argues that the FCC erred in denying its motion to consider evidence from prior merger investigations that found that large, incumbent ISPs have the incentive and ability to block, throttle, implement paid prioritization, or otherwise harm online content.

INCOMPAS also argues that the FCC improperly abrogated its authority to protect an open internet to the Department of Justice and Federal Trade Commission. It noted that neither the DOJ nor the FTC has the authority to protect users from myriad practices by ISPs that violate net neutrality principles.

To read the filing, please click [here](#).

In addition to the court filing, **Angie Kronenberg, Chief Advocate and General Counsel of INCOMPAS**, released the following statement:

“At its core, net neutrality is a competition issue. The FCC’s own order acknowledged that nearly 50 percent of consumers are living in a broadband monopoly. Yet, in the face of a brazenly uncompetitive marketplace, the FCC abandoned two decades of bipartisan consensus that ISPs should not block, throttle, implement paid prioritization, or otherwise harm online content by engaging in anticompetitive behavior.

“The FCC also refused to consider extremely relevant findings from previous merger investigations involving ISPs that control access to almost 65 percent of consumers, which found that despite their public statements to the contrary, ISPs have the means and motive to interfere with online content they perceive as a threat.

“The FCC has claimed that it is simply passing the buck of oversight to the FTC. However, our filing points out that as long as an ISP discloses its intent to block or throttle online content, and the behavior does not violate antitrust laws, the FTC has no authority to stop or regulate the practice.

“We believe we have made a strong case to vacate the FCC’s unlawful and unreasoned decision to close off the open internet. In its rush to abolish net neutrality rules, the FCC cast aside the law, failed to consider relevant evidence, and violated its duty to engage in a reasoned decision-making. The law is clearly on the side of competition and consumers who are demanding the preservation of a gatekeeper-free streaming revolution.”

INCOMPAS was joined by twelve other petitioners representing technology companies, trade associations, and public interest advocates. Pursuant to the schedule adopted by the court, the FCC will file its response on October 11, 2018 and INCOMPAS and its co-petitioners will respond on November 16, 2018.

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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