

CLIENT ALERT | NET NEUTRALITY

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DC Circuit Upholds Bulk of FCC Net Neutrality Order But Vacates Preemption

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The US Court of Appeals for the DC Circuit upheld the FCC's 2018 "Restoring Internet Freedom" Order, but sent certain questions back to the agency. The Order reclassified broadband service as a Title I information service and repealed net neutrality rules established by the FCC in 2015 that prohibited internet service providers from blocking, throttling, and engaging in paid prioritization for online content. In the decision released today, the DC Circuit upheld most of the Order but vacated the FCC's attempt to preempt state and local net neutrality regulations. Additionally, the Court remanded to the FCC to reconsider the effects of the Order on public safety, pole attachments, and the FCC's Lifeline program.

HWG is reviewing the full decision and will release a more detailed analysis shortly.

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