

Verizon-Google Legislative Framework Proposal

Google and Verizon have been working together to find ways to preserve the open Internet and the vibrant and innovative markets it supports, to protect consumers, and to promote continued investment in broadband access. With these goals in mind, together we offer a proposed open Internet framework for the consideration of policymakers and the public.

We believe such a framework should include the following key elements:

Consumer Protections: A broadband Internet access service provider would be prohibited from preventing users of its broadband Internet access service from--

- (1) sending and receiving lawful content of their choice;
- (2) running lawful applications and using lawful services of their choice; and
- (3) connecting their choice of legal devices that do not harm the network or service, facilitate theft of service, or harm other users of the service.

Non-Discrimination Requirement: In providing broadband Internet access service, a provider would be prohibited from engaging in undue discrimination against any lawful Internet content, application, or service in a manner that causes meaningful harm to competition or to users. Prioritization of Internet traffic would be presumed inconsistent with the non-discrimination standard, but the presumption could be rebutted.

Transparency: Providers of broadband Internet access service would be required to disclose accurate and relevant information in plain language about the characteristics and capabilities of their offerings, their broadband network management, and other practices necessary for consumers and other users to make informed choices.

Network Management: Broadband Internet access service providers are permitted to engage in reasonable network management. Reasonable network management includes any technically sound practice: to reduce or mitigate the effects of congestion on its network; to ensure network security or integrity; to address traffic that is unwanted by or harmful to users, the provider's network, or the Internet; to ensure service quality to a subscriber; to provide services or capabilities consistent with a consumer's choices; that is consistent with the technical requirements, standards, or best practices adopted by an independent, widely-recognized Internet community governance initiative or standard-setting organization; to prioritize general classes or types of Internet traffic, based on latency; or otherwise to manage the daily operation of its network.

Additional Online Services: A provider that offers a broadband Internet access service complying with the above principles could offer any other additional or differentiated services. Such other services would have to be distinguishable in scope and purpose from broadband Internet access service, but could make use of or access Internet content, applications or services and could include traffic prioritization. The FCC would publish an annual report on the effect of

these additional services, and immediately report if it finds at any time that these services threaten the meaningful availability of broadband Internet access services or have been devised or promoted in a manner designed to evade these consumer protections.

Wireless Broadband: Because of the unique technical and operational characteristics of wireless networks, and the competitive and still-developing nature of wireless broadband services, only the transparency principle would apply to wireless broadband at this time. The U.S. Government Accountability Office would report to Congress annually on the continued development and robustness of wireless broadband Internet access services.

Case-By-Case Enforcement: The FCC would enforce the consumer protection and nondiscrimination requirements through case-by-case adjudication, but would have no rulemaking authority with respect to those provisions. Parties would be encouraged to use non-governmental dispute resolution processes established by independent, widely-recognized Internet community governance initiatives, and the FCC would be directed to give appropriate deference to decisions or advisory opinions of such groups. The FCC could grant injunctive relief for violations of the consumer protection and non-discrimination provisions. The FCC could impose a forfeiture of up to \$2,000,000 for knowing violations of the consumer-protection or non-discrimination provisions. The proposed framework would not affect rights or obligations under existing Federal or State laws that generally apply to businesses, and would not create any new private right of action.

Regulatory Authority: The FCC would have exclusive authority to oversee broadband Internet access service, but would not have any authority over Internet software applications, content or services. Regulatory authorities would not be permitted to regulate broadband Internet access service.

Broadband Access for Americans: Broadband Internet access would be eligible for Federal universal service fund support to spur deployment in unserved areas and to support programs to encourage broadband adoption by low-income populations. In addition, the FCC would be required to complete intercarrier compensation reform within 12 months. Broadband Internet access service and traffic or services using Internet protocol would be considered exclusively interstate in nature. In general, broadband Internet access service providers would ensure that the service is accessible to and usable by individuals with disabilities.