



N A R U C
National Association of Regulatory Utility Commissioners

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NARUC Responds to DC Circuit Court's Open Internet Order

WASHINGTON—The National Association of Regulatory Utility Commissioners has issued a response to today's ruling from the U.S. Court of Appeals for the D.C. Circuit on the Federal Communications Commission's Open Internet order.

"Since 2002, NARUC has recognized that legal Internet traffic should not be blocked or delayed on a discriminatory basis by their broadband providers. The D.C. Circuit's ruling is another step toward ensuring that consumers, content providers and telecommunications carriers enjoy the benefits of a level playing field.

This ruling will doubtless be appealed, but given that even the dissenting judge agreed that the Telecommunications Act seemed to countenance the classification of broadband as a telecommunications service, the odds of these appeals seem pretty dim. However, given the circumstances of the FCC action on reclassification, I would personally prefer the certainty of congressional action so that the internecine regulatory conflicts on this topic can finally come to an end.

Additionally, NARUC has pending litigation on the appropriate classification of voice over internet protocol (VoIP) services, which the FCC has paradoxically refused to define as telecommunications services. Surely, if broadband is telecom as a matter of law, then an actual voice service is telecom, and we look forward to the courts' finding accordingly."

—NARUC President Travis Kavulla of Montana

NARUC represents the interests of the state utility commissions that are directly affected by the FCC's order. The Association is recognized by Congress and courts as the proper entity to represent the collective interests of state utility commissions.

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NARUC is a non-profit organization founded in 1889 whose members include the governmental agencies that are engaged in the regulation of utilities and carriers in the fifty States, the District of Columbia, Puerto Rico and the Virgin Islands. NARUC's member agencies regulate telecommunications, energy, and water utilities. NARUC represents the interests of State public utility commissions before the three branches of the Federal government.