

Lawmakers are at an impasse on an approach to implementing a productive legislative framework.

For more than 15 years, the debate over net neutrality continues to gain momentum. Net neutrality is the principle that an internet service provider (ISP) must provide access to all sites, content, and applications at the same speed, under the same conditions without blocking or showing preference for any content by how quickly it may be accessed.

- In April 2015, the Federal Communications Commission (FCC), under a Democratic administration, published a rule implementing open internet regulations that prohibited the blocking or degrading of lawful content on the internet by ISPs.
- In the ensuing years, Republican administrations and some state laws—namely, California—have gone back-and-forth on the FCC rule with Republicans typically opposing the FCC (and California's) rule and Democrats supporting the original FCC rule.
- In Feb. 2021, the U.S. Department of Justice under the Biden administration dropped a department lawsuit filed under the first Trump administration challenging California's net neutrality rules. Stricter than the federal rules adopted during the Obama administration, California adopted these new rules after the FCC's repeal of federal net-neutrality rules in 2017 and set the baseline for future federal rules.
- In Jan. 2022, a unanimous Ninth Circuit ruling cleared California's net neutrality law, permitting it to continue to be enforced and unable to be overridden by the FCC given how internet services were classified as information services at the time.
- However, in Jan. 2025, the U.S. Court of Appeals for the Sixth Circuit ruled that the FCC cannot classify ISPs to prevent content preferencing, citing the recent Supreme Court decision in *Loper Bright v. Raimondo*, which likely means Congress must now intervene.

Any new FCC rules must be carefully crafted to avoid the potential for service providers to pass along increased costs to Small Businesses.

WORKING SOLUTIONS

A free and open Internet helps prevent unfair pricing practices by ISPs, promotes innovation and drives entrepreneurship. It allows companies to compete on a level playing field when customers want to visit their websites.

- With strong net neutrality protections, the Internet is an open marketplace where any business can compete, allowing individuals to start companies easily, market their products across the country, and connect with customers anywhere worldwide.
- Paramount to the discussion on net neutrality ought to be the importance of innovation and how any court challenge or state legislative measure must ensure that small businesses aren't relegated to a second-class citizen role unable to pay massive premiums OR limited in how they are allowed to charge and provide access to their own content/services/goods.