

APPENDIX A

Draft Proposed Rules for Public Input

Part 8 of Title 47 of the Code of Federal Regulations is added as follows:

PART 8 – PRESERVING THE OPEN INTERNET

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- 8.1 Purpose.
- 8.3 Definitions.
- 8.5 Content.
- 8.7 Applications and Services.
- 8.9 Devices.
- 8.11 Competitive Options.
- 8.13 Nondiscrimination.
- 8.15 Transparency.
- 8.19 Law Enforcement.
- 8.21 Public Safety and Homeland and National Security.
- 8.23 Other Laws.

AUTHORITY: 47 U.S.C. 151, 152, 154(i)–(j), 201(b), 230, 257, 303(r), 503, 1302.

§ 8.1 Purpose and Scope.

The purpose of these rules is to preserve the open Internet. These rules apply to broadband Internet access service providers only to the extent they are providing broadband Internet access services.

§ 8.3 Definitions.

Internet. The system of interconnected networks that use the Internet Protocol for communication with resources or endpoints reachable, directly or through a proxy, via a globally unique Internet address assigned by the Internet Assigned Numbers Authority.

Broadband Internet access. Internet Protocol data transmission between an end user and the Internet. For purposes of this definition, dial-up access requiring an end user to initiate a call across the public switched telephone network to establish a connection shall not constitute broadband Internet access.

Broadband Internet access service. Any communication service by wire or radio that provides broadband Internet access directly to the public, or to such classes of users as to be effectively available directly to the public.

Reasonable network management. Reasonable network management consists of:

- (a) reasonable practices employed by a provider of broadband Internet access service to:
 - (i) reduce or mitigate the effects of congestion on its network or to address quality-of-service concerns;
 - (ii) address traffic that is unwanted by users or harmful;
 - (iii) prevent the transfer of unlawful content; or
 - (iv) prevent the unlawful transfer of content; and
- (b) other reasonable network management practices.

§ 8.5 Content.

Subject to reasonable network management, a provider of broadband Internet access service may not prevent any of its users from sending or receiving the lawful content of the user's choice over the Internet.

§ 8.7 Applications and Services.

Subject to reasonable network management, a provider of broadband Internet access service may not prevent any of its users from running the lawful applications or using the lawful services of the user's choice.

§ 8.9 Devices.

Subject to reasonable network management, a provider of broadband Internet access service may not prevent any of its users from connecting to and using on its network the user's choice of lawful devices that do not harm the network.

§ 8.11 Competitive Options.

Subject to reasonable network management, a provider of broadband Internet access service may not deprive any of its users of the user's entitlement to competition among network providers, application providers, service providers, and content providers.

§ 8.13 Nondiscrimination.

Subject to reasonable network management, a provider of broadband Internet access service must treat lawful content, applications, and services in a nondiscriminatory manner.

§ 8.15 Transparency.

Subject to reasonable network management, a provider of broadband Internet access service must disclose such information concerning network management and other practices as is reasonably required for users and content, application, and service providers to enjoy the protections specified in this part.

§ 8.19 Law Enforcement.

Nothing in this part supersedes any obligation a provider of broadband Internet access service may have—or limits its ability—to address the needs of law enforcement, consistent with applicable law.

§ 8.21 Public Safety and Homeland and National Security.

Nothing in this part supersedes any obligation a provider of broadband Internet access service may have—or limits its ability—to deliver emergency communications or to address the needs of public safety or national or homeland security authorities, consistent with applicable law.

§ 8.23 Other laws.

Nothing in this part is intended to prevent a provider of broadband Internet access service from complying with other laws.