

Spiegel & McDiarmid Attorneys Represent the National Hispanic Media Coalition in Challenging the FCC's Net Neutrality Repeal

August 20, 2018 | Jeffrey M. Bayne, James N. Horwood

On August 20, 2018, a group of public interest organizations, internet companies, and competitive carriers dedicated to protecting an open internet filed their initial brief in the court challenge to the FCC's repeal of its prior open internet rules. The brief is available at the link below. Spiegel & McDiarmid attorneys Jim Horwood, Tim Lay, Jeff Bayne, and Kat O'Konski are on the brief, serving as *pro bono* counsel to Petitioner National Hispanic Media Coalition ("NHMC"), a non-partisan, non-profit, media advocacy and civil rights organization.

In 2015, the FCC adopted open internet rules that, among other things, barred paid prioritization and prohibited broadband internet service providers from blocking or throttling users' access to lawful Internet content. In the spring of 2017, however, the FCC reversed course and proposed repealing the 2015 rules. NHMC submitted several Freedom of Information Act requests for materials concerning informal consumer complaints submitted to the FCC under the 2015 open internet rules. NHMC also requested that those materials be included in the record of the FCC's proceeding and that the public be given the opportunity to comment on them. Although the FCC had not produced all of the materials NHMC requested, it nevertheless issued its order repealing the 2015 open internet rules protections earlier this year, and that order also denied NHMC's motion to include those open internet complaint materials in the record. Among the arguments Petitioners raise in their appeal of the FCC's order is that the FCC violated the Administrative Procedure Act by excluding these relevant consumer complaint materials from the record.

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