

Net Neutrality Regulations Will Soon Be In Effect

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On September 9, 2011, the Office of Management and Budget (OMB) signed off on the new data collection requirements of the FCC's net neutrality order. This allows the Federal Register to publish the net neutrality regulations, which should occur within the next few weeks. The new rules will become effective 60 days after they are published. In addition, upon publication in the Federal Register, parties can appeal the rules in federal court. Verizon had appealed the FCC's net neutrality order to the US Court of Appeals for the DC Circuit earlier this year, well before the OMB had approved the regulations. However, in April 2011 the DC Circuit dismissed the appeal as premature.

By way of background, the FCC adopted its net neutrality order in December of 2010 (full summary [here](#)). One of the regulations adopted in that order requires broadband service providers to disclose their network management practices to consumers. This constitutes a government-mandated data collection triggering the terms of the Paperwork Reduction Act. Under the PRA, the OMB must approve certain data collections imposed by federal agencies prior to their effectiveness.

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