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**ISSUE: #11-10**

**DATED: 10/31/11**

**NETWORK POLICY AND PRACTICE FOR ISP**

On September 23, 2011, the FCC released its anticipated Preserving the Open Internet - Final Order (Net Neutrality, as some refer to it) requiring that all carriers, including ISP's, publish their network management practices, performance characteristics and commercial terms in an easily accessible location on their company website and also made available at any point of sale. To meet compliance rules, this posting must be done by November 20, 2011.

The intention of this order is to insure that no carrier or ISP uses their position as a "gatekeeper" to the internet to provide any company, program, application, service or device, preferential or detrimental treatment. You cannot block or throttle any legal content, application or service for any reason. Legal content does not include child pornography or copyrighted material.

Fixed and mobile carriers have slightly different rules, but the same general rules apply to both.

This Order has three (3) basic sections to it:

- 1 – Transparency;
- 2 – No Blocking; and
- 3 – No Unreasonable Discrimination.

**Transparency.** As noted above, the transparency compliance portion will require you to post your company's network management policies, performance characteristics and commercial terms on your website.

Reasonable network management is allowed. Network management practices are reasonable, if they are appropriate and tailored to achieving a legitimate network management purpose.

**No Blocking.** A carrier and/or ISP is not allowed to block any legal content, application, port, service or non-harmful devices. You cannot impair or degrade any lawful content, applications, ports, services or non-harmful devices.

**No Unreasonable Discrimination.** A carrier may not throttle any content in favor of any other content, company or device. Congestion management is allowed, but only if the triggers are disclosed as part of the network management practices disclosures. Carriers are also not allowed to enter into commercial agreements with any edge providers (i.e. Netflix, Google, Yahoo...) that would result in preferred



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treatment of their specific traffic. Carriers cannot discriminate against any traffic or content that they may not personally agree with.

GVNW does have a template that we have prepared for use by our clients that will assist you in meeting these compliance guidelines. This template is being made available to our clients for \$500. Any assistance in preparing the template will be billed at our normal billing rates. Each client using this template will also be required to have their own legal counsel review the version the company intends to post before posting to the website, and acknowledge to us in writing that they have reviewed their individual company network management practices and the template accurately captures what is happening at their company.

It would be our recommendation that each company do an assessment of their current network management practices and then train staff according to the new guidelines to ensure compliance. Again, GVNW has been helping many of our clients in this regard. We are here to help.

For more information on this issue, please contact Randy Trost at GVNW, or contact your consultant for more information.

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