

AT & T: FaceTime Policy Within FCC Net Neutrality Rules

Andrew Berg

AT&T says its policy to reserve FaceTime use over a cellular connection for those customers who move to its new Mobile Share plans does not violate the FCC's net neutrality rules

AT&T executive Bob Quinn argued in a post on the company's [blog](#) [1] that it has not violated the FCC's rules on transparency or blocking by stopping customers who aren't on a Mobile Share plan from using FaceTime on its cellular network.

Quinn pinned that assertion on the fact that AT&T is being transparent about its policies and does not have a similar preloaded video chat app that competes with FaceTime or any other preloaded video chat application.

The [FCC's rules](#) [2] state that carriers are "prohibited, subject to reasonable network management, from blocking applications that compete with the provider's voice or video telephony services," he said. Quinn serves as AT&T's senior vice president of federal regulatory and chief privacy officer.

"AT&T's plans for FaceTime will not violate either requirement," Quinn wrote. "Our policies regarding FaceTime will be fully transparent to all consumers, and no one has argued to the contrary. There is no transparency issue here."

To some extent, Quinn conceded that AT&T is worried about the impact of FaceTime on its cellular network. Quinn wrote that AT&T is limiting the use of the app "out of an overriding concern for the impact this expansion may have on our network and the overall customer experience."

FaceTime will be available over a cellular connection as part of a new feature included in Apple's impending release of iOS 6, the company's next iteration of its mobile operating system.

Quinn contended that the FCC's rules do not require that providers make available any preloaded apps; rather, they ensure that customers are able to download apps that compete with the carrier's voice or video telephony services.

"AT&T does not restrict customers from downloading any such lawful applications, and there are several video chat apps available in the various app stores serving particular operating systems," Quinn wrote.

Quinn did not note any of them in his post, but there are a number of third-party video chat applications that operate over both cellular and Wi-Fi that are available to iPhone users. Although they are arguably not as popular as Apple's FaceTime,

AT & T: FaceTime Policy Within FCC Net Neutrality Rules

Published on Wireless Week (<http://www.wirelessweek.com>)

services such as Tango and ooVoo, among others, can be downloaded from the Apple App Store and used by subscribers regardless of whether they have signed up for AT&T's shared data plans.

AT&T is responding to claims by a number of groups, including Free Press and Public Knowledge, that it has breached the FCC's net neutrality rules with its recently announced FaceTime policy.

John Bergmayer, senior staff attorney of Public Knowledge, said AT&T's FaceTime policy does not qualify as "reasonable network management."

"Although carriers are permitted to engage in 'reasonable network management,' there is no technical reason why one data plan should be able to access FaceTime, and another not," Bergmayer said in a statement.

Matt Wood, policy director for Free Press, wrote in comments that AT&T's sole reason for the FaceTime policy is to separate "customers from more of their money each month by handicapping alternatives to AT&T's own products."

"If customers want to use FaceTime on AT&T's mobile network, then they have to buy a more expensive monthly data plan with extra voice minutes and texts they'll never use thrown in," Wood wrote. "Blocking mobile FaceTime access for much of its user base may be a win for AT&T but it's a losing proposition for the rest of us."

While the FCC has admitted that its net neutrality rules will be a bit more relaxed for wireless carriers given spectrum constraints, it has been keeping a close eye on how the carriers are managing the applications and services that run over their networks.

Verizon Wireless was recently slapped with a \$1.25 million fine and ordered by the FCC to stop blocking tethering apps because consumer protection provisions that were attached to the upper 700 MHz C block spectrum it purchased during the commission's 2008 auction.

The fine and order were a result of a complaint filed by Free Press, which stated that Verizon was violating FCC rules by restricting their customers' use of an application.

In a statement, FCC Chairman Julius Genachowski said the ruling indicates that compliance with FCC obligations is not optional.

"The open device and application obligations were core conditions when Verizon purchased the C-block spectrum," Genachowski wrote. "The massive innovation and investment fueled by the Internet have been driven by consumer choice in both devices and applications. The steps taken today will not only protect consumer choice, but defend certainty for innovators to continue to deliver new services and apps without fear of being blocked."

AT & T: FaceTime Policy Within FCC Net Neutrality Rules

Published on Wireless Week (<http://www.wirelessweek.com>)

Source URL (retrieved on 06/12/2013 - 9:26am):

<http://www.wirelessweek.com/news/2012/08/t-facetime-policy-within-fcc-net-neutrality-rules>

Links:

[1] <http://attpublicpolicy.com/fcc/enabling-facetime-over-our-mobile-broadband-network/>

[2] http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-201A1_Rcd.pdf