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FCC Set To Fine AT&T for Allegedly Misleading Consumers, and Open Internet Rule Violations

The Federal Communications Commission (“FCC”) plans to fine AT&T Mobility, LLC \$100,000,000 for misleading its customers about unlimited mobile data plans, alleging that AT&T severely slowed down customers’ unlimited data plans network speeds and that it didn’t adequately notify customers that they could receive network speeds slower than advertised.

According to the FCC, AT&T’s unlimited data plans allow certain customers to use unrestricted amounts of data but AT&T implemented a “Maximum Bit Rate” policy in 2011 and capped the maximum data speeds for unlimited customers after they used a set amount of data within a billing cycle. The FCC claims that the capped speeds were much slower than the normal network speeds AT&T advertised and significantly impaired the ability of AT&T customers to access the Internet or use data applications for the remainder of the billing cycle.

The Commission charged AT&T with violating the 2010 Open Internet Transparency Rule by falsely labeling these plans as “unlimited” and by failing to sufficiently inform customers of the maximum speed they would receive under the Maximum Bit Rate policy. AT&T plans to dispute the FCC’s allegations and contest the fine, which is the largest proposed fine in FCC history according to the agency.

This is the first of what may be many FCC fines for alleged violations of the FCC’s new Internet rules that regulate broadband Internet access service providers and bar mobile broadband providers from blocking or slowing traffic to specific websites.

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