**Oracle warns the FCC that Consumer Broadband Privacy Rules grant Google unfair competitive advantage**

On December 21, 2016, Oracle, a tech corporation, asked the Federal Communications Commission (FCC) to reconsider the decision and order “Protecting the Privacy of Customers of Broadband and Other Telecommunications Services” (the “Order”). The Order containing broadband privacy rules was published on November 2016. See [here](http://www.technethics.com/fccs-consumer-broadband-privacy-rules-effective-jan-2017-have-already-been-challenged/). However, at the beginning of 2017, several Internet Service Providers (ISPs) and cable associations had already filed [Petitions for Reconsideration](http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0117/DOC-343052A1.pdf) requesting the FCC to significantly modify the Order.

Among the numerous requests, Oracle asked the FCC to reconsider the Order because it completely undermines the goal to protect consumers’ privacy by handing the market to Google.

According to the company, when the Order goes into effect, “broadband internet access service (“BIAS”) providers (i.e., Internet Service Providers or “ISPs”) will face new restrictions and requirements that do not apply to Google or other providers of other online services (“edge providers”)”.

Oracle deems that the Order is based on two flawed premises.

First, the order wrongly understates the online tracking capabilities of Google and other edge providers. According to the Order, “BIAS providers’ gatekeeper position allows them to see every packet that a consumer sends and receives over the Internet while on the network, including, absent encryption, its content.” By contrast, “edge providers only see a slice of any given consumers Internet traffic.”

Oracle deems that the Order will create a chilling effect by giving “a clear competitive advantage to edge providers that already dominate the digital advertising market…”

Second, Oracle opposes the distinction drawn by the Order between consumers’ choices and expectations with respect to their ISPs versus their edge providers and operating systems. According to Oracle, “just as with their ISPs, consumers have little choice regarding whether to reveal personal information to Google.”

Oracle concludes by stating that, since the Order relies on these wrong premises, the Commission should reconsider it and, at a minimum, subject ISPs to the same privacy regime as edge providers.

Oracle petition for reconsideration is available at [file:///C:/Users/Fede/Downloads/Oracle\_Broadband\_Privacy\_Petition\_for\_Reconsideration.pdf](file:///C%3A/Users/Fede/Downloads/Oracle_Broadband_Privacy_Petition_for_Reconsideration.pdf) OPEN PDF

For more information, [Francesca Giannoni-Crystal](http://www.cgcfirm.com/attorneys/francesca-giannoni-crystal/) and[Federica Romanelli](http://www.cgcfirm.com/federica-romanelli-avvocato/)

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