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### For democracy's sake, fix FCC net neutrality plan

Ed Black  
Friday, December 17, 2010

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The FCC votes Tuesday on Chairman Julius Genachowski's latest proposal to preserve Internet openness and prevent discrimination by any corporate gatekeepers. In nearly four decades of advocating for open markets, competition and the free flow of information, our tech trade association has not seen an equivalent issue as critical to our economy and democracy as Open Internet access.

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At the center of any democracy is the free flow of information - it's how voters access and weigh ideas to make decisions. And at the core of a thriving, innovative economy is the ability of a good business idea to make it from the garage or dorm room to the marketplace. Allowing dominant companies to serve as gatekeepers of information and ideas harms our economy - and our democracy.

Our diplomatic and trade officials already advocate these principles abroad as part of our trade and human rights agenda. Now the **Obama** administration must fulfill its campaign promise and ensure that Internet freedom starts at home by preserving open Internet access for all consumers, nonprofits and small businesses.

There is little difference between a corporation prioritizing favored Internet traffic for commercial reasons or a government censoring unfavorable traffic for political reasons. In fact, from a technical standpoint, the same tools, like deep-packet inspection, are used to control what gets through to end users. The problem arises if we allow Internet Access Providers to prioritize traffic, our diplomats and trade officials will be in an awkward negotiating position when objecting to foreign governments that censor or filter the Internet - the ultimate "deprioritization."

That's why our tech and telecom companies applauded Chairman Genachowski's original proposal late last year to protect the open Internet. The plan reined in IAPs' proposals to charge higher fees to prioritize Internet traffic, while still allowing those companies providing a valuable service to reasonably manage variations in Internet traffic.

The new plan is weaker legally and less effective in preventing IAPs from playing traffic arbiter, manipulating Internet performance or pricing in favor of their own services or those of business partners. Comcast, for instance, could offer its own high-speed video download service while penalizing others offering video, like ABC, ESPN or Netflix, with slower speeds and premiums on high bandwidth usage.

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Dominant cable and phone companies have spent enormous sums to try to out-lobby net neutrality supporters. Internet access providers' meetings with FCC officials dwarfed those of the consumer groups, companies representing the innovation economy and the many educators, scientists and nonprofits urging that Internet access receive vital protection as telecommunications services - as the FCC was originally proposing.

This seemingly obscure, technical battle is a chance for the Obama administration to stand up to a powerful parochial special interest. Unlike the tax battle in Congress, an Obama-appointee-led agency already has the power to take conclusive action. Given that the FCC is charged with protecting the public interest, the FCC's plan must be improved in three critical ways:

- define broadband Internet access to cover all Internet subscribers,
- ensure parity for mobile broadband Internet access,
- ban paid prioritization for certain traffic based on source or destination, for example, ban AT&T or Verizon from charging a content provider such as ABC or Fox extra for assurance that their customers can reach them.

We need net neutrality rules so Internet access is not sold to the highest bidders - and our digital economy and democracy are not hijacked by narrow special interests.

Federal Communications Commission will vote on its proposed Net Neutrality plan on Tuesday. To learn more, go to [sfg.ly/i9PGLG](http://sfg.ly/i9PGLG).

*Ed Black is the president and CEO of the Computer & Communications Industry Association.*

*This article appeared on page A - 128 of the San Francisco Chronicle*

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MikeWendy 5:51 AM on December 17, 2010

Ed misses the point. The market works, with "regulation" open-sourced beyond govt to protect consumers AND promote innovation, as I have blogged on here:

<http://mediafreedom.org/2010/11/net-neutrality-is-already-here-regulations-open-sourced-by-technology-marketplace-but-not-government/>

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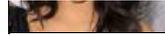
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