

# **Declarations made, sides taken on proposed net neutrality regulations**

WASHINGTON – Now that the Federal Communications Commission has declared its intent to adopt a set of rules on “net neutrality” – a policy of keeping the Internet open to all lawful traffic – sides are hastily being taken.

Rep. Henry A. Waxman, D-Calif., chairman of the House Energy and Commerce Committee, announced Sept. 22 that he will be added as a co-sponsor to the Internet Freedom Preservation Act, which would protect net neutrality under the Communications Act, safeguarding the future of the open Internet and protecting Internet users from discrimination online.

Congressional Republicans just as quickly banded together to say they would try to stop the FCC from spending any money to enforce net neutrality policies, although they backed away from that stance Sept. 24. GOP leaders have said in the past, though, that net neutrality is a solution in search of a problem.

The U.S. Conference of Catholic Bishops declared its support for net neutrality in 2006. At the time, it may have seemed like a more esoteric concept, but by the end of the following year, reports had come in that Comcast, one of the nation’s largest Internet service providers, was purposely blocking peer-to-peer file sharing.

Three years ago, the USCCB was one of dozens of organizations across the ideological spectrum to back net neutrality. They realized that Internet service providers, without net neutrality in place, could charge computer users extra fees to get equal access to the Web, or charge Web sites a fee if they wanted their sites to be accessed at a higher speed, or block content altogether – especially if the Internet service provided started offering competing content.

This is not the first time the FCC has visited the issue. In 2005, it adopted four principles of Internet use:

- Internet service providers cannot prevent users from accessing the lawful Internet content of their choice.

- Users also have the right to use the applications of their choice.
- Users further have the right to use the services of their choice.
- Internet service providers cannot bar users from attaching nonharmful devices to the network.

But under new FCC chairman Julius Genachowski, the FCC is ready to add two new principles.

“Broadband providers cannot discriminate against particular Internet content or applications,” Genachowski said in a Sept. 21 address at the Brookings Institution, a Washington think tank, in voicing the fifth principle.

“This means they cannot block or degrade lawful traffic over their networks, or pick winners by favoring some content or applications over others in the connection to subscribers’ homes,” he said. “Nor can they disfavor an Internet service just because it competes with a similar service offered by that broadband provider. The Internet must continue to allow users to decide what content and applications succeed.”

The sixth principle? “Providers of broadband Internet access must be transparent about their network management practices,” Genachowski said. “Broadband providers have the technical ability to change how the Internet works for millions of users - with profound consequences for those users and content, application and service providers around the world.”

Peer-to-peer blocking by one provider, he added, was found “only after an engineer and hobbyist living in Oregon realized that his attempts to share public domain recordings of old barbershop quartet songs over a home Internet connection were being frustrated.” When his complaints - using the Internet - picked up steam, they also got noticed by the FCC, which, in essence, blocked the blocking.

The same day Genachowski made his speech, the FCC filed a brief in a federal court defending its right to act against Comcast for blocking peer-to-peer files, arguing that it has general jurisdiction over all interstate communications by radio and wire - including the company’s cable modem service. Comcast had appealed the FCC’s decision, made in August 2008, contending the FCC had no jurisdiction to enforce

the principles of net neutrality.

Other Internet service providers have not copied Comcast's file-blocking tactics, and believe that guidelines are better than hard and fast rules.

Of course, money is one of the issues driving the debate.

Aug. 20 marked the first deadline for broadband service providers looking to get a piece of the \$4.7 billion that will be doled out in the initial phase of stimulus spending - two-thirds of the \$7.2 billion committed to broadband expansion as part of the American Reinvestment and Recovery Act

And AOL's DailyFinance site reported Sept. 22 that AT&T, another Internet service provider opposed to the new rules, gave \$400,000 in campaign and political-action contributions over the last four years to the six Republican senators who had introduced the measure to block the FCC from spending money to enforce net neutrality.