

# Lindsey Pinto: The case for net neutrality in Canada

By [Lindsey Pinto](#), January 19, 2011

A decision made last month by the Federal Communications Commission in the United States has many concerned about the future of Internet.

At the centre of this concern is a principle called “[net neutrality](#)”. Essentially, net neutrality is the idea that no group should be able to discriminate against applications or content found on the Internet. That means no blocking access to web content, and no speeding up or slowing down of specific online services. It means the Internet should be a level playing field for ideas and innovation.

Proponents of net neutrality argue that it is essential to ensure competition and the free flow of ideas online, while its opponents argue that legislating net neutrality will lead to an Internet controlled by government.

## ***Who's in control?***

On the *Rob Breakenridge Show*, a radio program in Calgary, I had the opportunity to speak with Jim Harper from the Cato Institute, a right-wing American research group opposed to net neutrality, and I was taken aback by what he had to say.

Harper argued that by keeping the Internet an open platform, we are closing off an avenue for innovation. He put forward the idea that Internet service providers ought to be able to make deals with content and application producers, and create packaged content deals, in order to differentiate themselves from their competition. Sounds a lot like television doesn't it?

Now this is not something I had heard before in so many words, and for a moment I was tongue-tied. Soon the gears whirred and clicked though, and it came to me: there is no universe in which this is an acceptable way to manage the freest medium humankind has ever encountered. It undermines the ideals that now surround the free, networked medium that we as a public have come to love. Harper's statement implies that the Internet should be a tool to develop industry rather than a public service—and industry is meant to serve society, and not the other way around. And why should the ISP industry's needs trump those of inventive application and content creators whose ability to innovate is contingent upon the Internet serving as a level playing field?

## ***The FCC and CRTC on net neutrality***

The FCC's latest stab at Net neutrality was an attempt to fill a regulatory void they had been beaten over the head with time and again, first by a coalition of industry and public interest groups concerned about the "[copyright loophole](#)", and more recently by Google and Verizon's [attempt](#) to develop policy themselves. The U.S. net neutrality regulations that came into effect this December, however, prohibited only the outright blocking of content with wired Internet services. It arguably does not prevent content prioritization (pay-for-play selective speeding up of content). The new rules also do not extend to the increasingly popular mobile Internet.

Canada, though lagging behind most other OECD countries in a handful of key Internet metrics, has more advanced net neutrality policies than does its neighbour to the south. The Canadian Radio-television and Telecommunications Commission, the country's media regulator, has put [rules](#) in place that [specifically prohibit](#) ISPs from engaging in discriminatory online traffic management practices, and has [extended](#) those regulations to include Internet accessed via mobile devices.

Though the CRTC's Internet policies are advanced, however, their practices are not. They continue to rely on consumers' whistleblowing to determine whether ISPs are following the rules, rather than conducting regular audits of Internet traffic management practices. This model has been proven ineffective time and again, most recently when Rogers was [caught](#) slowing down peer-to-peer applications.

### ***Why is this important?***

The history of media is composed almost entirely of one-to-many models of communication. While this was the case, only those with the time and resources needed to produce and disseminate content—namely government and big corporations—were able to publicly have their say.

The open Internet may very well be the beginning of a media system that allows citizens of every colour and creed to come together. This open media system empowers us to demand that decisions made by our political representatives reflect the needs of all Canadians. And finally, it enables an economy fueled by businesses that compete by catering the desires of Canadian consumers, unimpeded by conglomerates that jealously guard their markets.

Open Internet advocates such as myself believe that this falls within the scope of Canadians' rights to "thought, opinion, belief and expression". In a country as geographically vast and as culturally diverse as Canada, media plays a crucial role in defining nationhood.

I'll conclude with this: it isn't the CRTC's job to seek consensus among the corporations that they were put into office to regulate. Its duty in this digital age is to protect Canadian

Internet users. They haven't done a great job of this so far, but with a little prodding they might just figure it out.

*Lindsey Pinto is the communications manager for [OpenMedia.ca](http://OpenMedia.ca), a national nonprofit organization working to advance and support an open and innovative communications system in Canada.*