



Critics Balk At FCC's Net Neutrality Stance

By [Antone Gonsalves](#) | February 20, 2014

Federal regulators' decision to try again to set rules to ensure Net neutrality has drawn criticism from broadband providers and those who maintain the Internet does not need government protection to remain free and open.

The Federal Communications Commission, which had its previous rules [shot down last month](#) by a federal court, said Wednesday that it would not challenge the decision.

Instead, FCC Chairman Tom Wheeler said [in a statement](#) the Commission would propose new rules "that will meet the court's test for preventing improper blocking of and discrimination among Internet traffic, ensuring genuine transparency in how Internet service providers manage traffic."

The FCC's attempt to set so-called [Net neutrality](#) rules aims to prevent major broadband providers, such as Verizon and AT&T, from giving preferential treatment to companies that pay for faster service. While opposing FCC intervention, the providers say they are committed to an open Internet and have no plans to discriminate.

Critics say the FCC's pursuit of Net neutrality rules is unnecessary and premature.

"Instead of deciding in advance that we know the optimal architecture for all forms of Internet access, why not see how the market develops?" Julian Sanchez, research fellow for the Cato Institute, said in an email to CruxialCIO. "If it turns out there are deviations from some conceptions of neutrality that actually benefit consumers, we'll be glad we didn't foreclose those possibilities."

Roger Entner, analyst and telecom expert at Recon Analytics, said regulations imposed too quickly would soon be outdated. "In a fast-moving market like the Internet, the way markets shape and form is by far faster than how regulators can react," Entner said.

Brent Skorup, research fellow in the Technology Policy Program at the Mercatus Center in George Mason University, argued that the Federal Trade Commission was the more appropriate agency for enforcing Net neutrality.

"The Federal Trade Commission can use antitrust laws to prevent broadband providers from engaging in anticompetitive behavior," he said. "Our antitrust agencies should protect the openness of the Internet, not the FCC."

In striking down the FCC rules, the U.S. Court of Appeals in Washington, D.C., did not challenge the commission's authority to regulate ISPs to ensure fair competition on the Internet. Rather, it objected to the way the FCC had classified broadband providers.

With no action coming from Congress, the FCC has taken on the responsibility of ensuring equal access to broadband services. Proponents of Net neutrality argue that paying for faster service would leave less wealthy companies and startups at a disadvantage. Large Internet companies, including Google, Netflix and Microsoft, favor Net neutrality.

In seeking new rules, Wheeler will face opposition from other commissioners. Immediately following his announcement, Commissioners [Mike O'Rielly](#) and Ajit Pai released statements saying the FCC did not need to take any action.

"The Internet was free and open before the FCC adopted Net neutrality rules," Pai said [in a statement](#). "It remains free and open today. Net neutrality has always been a solution in search of a problem."