



Net neutrality slows internet innovation

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The debate over net neutrality has flared up again, and it remains a bad idea to give the government more control over the internet. The Trump administration should revise the rules implemented two years ago by President Barack Obama's Federal Communications Commission.

The term net neutrality sounds fairly bland, but many Americans are passionate about the issue — on both sides. After all, the internet affects nearly all of us, making the rules' impact worthy of review.

Back in February 2015, then-FCC chairman Tom Wheeler oversaw the implementation of net neutrality rules, which aim to ensure internet service providers treat all legal content equally. The rules prevent the companies from throttling, prioritizing or blocking content.

Two previous versions of the rules had been struck down by courts.

Now, President Trump's FCC chairman, Ajit Pai, appointed in January, plans to change the regulations.

The companies involved are leading the debate, with internet giants like Amazon, Facebook, Netflix and Google on the side of net neutrality and broadband providers such as AT&T and Comcast opposing.

The FCC opened the floor to public comments earlier this year, which it has to do when there is a potential change to the rules, and received more than 9 million comments. A one-month rebuttal period began in mid-July.

Those in favor of net neutrality argue that rolling back the rules would give broadband companies too much flexibility to give preferential treatment to some content and hike prices for others. Those against argue the rules unfairly target internet service providers and could lead them to invest less in broadband, especially in underserved areas.

Julian Sanchez, senior fellow at the Cato Institute, believes the concerns of net neutrality proponents are better addressed through existing laws. The Obama-era FCC rules are overly broad and could threaten competition, leading to higher consumer costs.

“The practical rule prior to regulation in 2015 was one of neutrality,” Sanchez says. “If anti-consumer or anti-competition behaviors happen, we can always craft a regulation to address those specific concerns. But if a regulation prevents a good thing from happening, like more flexibility in terms of data speeds for different uses, then we don’t know what we missed out on.”

Pai’s main beef isn’t with net neutrality itself, but with how Wheeler’s FCC went about making the rules.

“A more accurate way to call it, I think, is ‘internet regulation,’” Pai said in an interview with The Wall Street Journal. “Because the essential question is whether we want it to be governed by technologists and engineers and businesspeople, as it was under the light-touch approach during the Clinton administration, or by government lawyers and bureaucrats here in Washington.”

To give the FCC more authority over the internet, Wheeler chose to treat broadband service as a utility under Title II of the Communications Act — a relic from 1934, long before the emergence of the internet. For decades prior to the 2015 switch, the internet had been treated as a much less regulated information service.

That’s the better approach. And it’s Congress that should step in and place limits on what the FCC can do in this arena, as well as update the laws governing the internet. There are efforts underway to do that this fall in the House Commerce Committee.

In the meantime, Pai should revise net neutrality regulations so that the internet can remain innovative — and free.