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## The Net Neutrality Debate: Is All Content Created Equal?

by Heather Maher

WASHINGTON -- Many people haven't yet heard about the concept of Internet neutrality -- or net neutrality as it's more commonly called.

That's about to change.

A debate is under way in the United States that could have consequences for the way people experience the Internet.

But what exactly is net neutrality?

"The concept of net neutrality is simply that the traffic on the Internet should all be treated equally and that the Internet providers should not be able to segregate or discriminate, based on either trying to stifle competition or trying to block certain types of traffic," says Tony Bradley, who writes a column for "PC World" magazine and is an advocate of net neutrality.

"Basically, as long as someone is paying for Internet service, all of the traffic should be treated the same."

### Paying The Price

Net neutrality advocates say that when you go online to visit different websites, download music, or check your e-mail, all the information you receive should travel at the same speed. They argue that no Internet service provider (ISP) should be able to prioritize certain information at the expense of others.

As the Internet increasingly replaces the telephone and television as people's primary mode of communication and entertainment, ISPs want to be able to offer content providers a way to gain a competitive advantage. In this case, content providers could be an Internet newspaper, a video-sharing site, or a company that offers web-based telephone services, such as Skype.

That advantage would come at a price -- literally. ISPs would charge content providers higher fees in exchange for giving them faster transmission speeds.

Critics like Bradley say allowing companies to charge higher prices for improved user access is the first step toward the creation of a first- and second-class Internet. They say that could also lead to higher charges for Internet users, which could effectively block off whole areas of content to people unable to afford the higher fees.

This, Bradley says, goes against the populist principle that the Internet should be free and open and accessible to everyone on an equal basis.

"We refer to the Internet as the information highway, and so that's an easy analogy," Bradley says. "Think of taking away net neutrality as privatizing the roads and letting [an ISP] decide who can use the highway and who has to drive on the [back roads]. You create a situation where corporations that have more money can pay for improved access and average people might have slower Internet connections or not be able to get to a certain place because they're not paying for the additional service."

### Strike Up The Bandwidth

The debate over net neutrality sharpened in 2007 when it was revealed that an ISP called Comcast was deliberately slowing down what's known as "peer-to-peer traffic" on the Internet. "Peer-to-peer" is a form of file sharing between online users and mostly involves transferring music and movie files.

Because these files are quite large, they consume a lot of bandwidth -- or the available space on a network for data transmission. Comcast wanted to free up some of that bandwidth so it deliberately slowed down the rate at which online users could access some of the file-sharing sites.

Bradley says that Comcast defended its action by pointing out that most peer-to-peer traffic involves pirated software, illegal copies of movies, and unlicensed music downloads. So almost by definition, it wasn't a legitimate use of the Internet.

The case got the attention of the U.S. Federal Communications Commission (FCC), the government agency that regulates communication. It tried to stop Comcast by implementing rules on how Internet service providers can manage their servers.

But in April, a federal court ruled that the FCC doesn't have the authority to tell Internet companies how they can run their businesses, and the debate over net neutrality was reopened.

Since then, two developments have complicated the picture.

### **New Rules**

First, the FCC tried to win back some of its influence by inviting several large ISP industry players for talks aimed at forging agreement on how the Internet should be run. But last week the FCC called off the talks, saying no progress had been made.

Then, on August 9, Internet search giant Google and telecom company Verizon unveiled a joint proposal they said could serve as a legislative framework for new rules on net neutrality. The Google-Verizon proposal says ISPs should be prohibited from either blocking or speeding up online content. It also says the FCC should be able to impose fines on companies that break the rules.

But the proposal's critics -- and there are many -- seized on the fact that the proposal makes an exception for wireless Internet access (for instance through mobile phones) and for future services that Internet service providers might develop.

The companies said those might include "new entertainment and gaming options," in addition to education and health services.

To Jim Harper, the director of information policy studies at the Cato Institute in Washington, that position makes sense. Harper's job is to study how law and policy should be adapted to the unique problems of the information age. In the debate on net neutrality, he can see the advantage of allowing some sites to have priority transmission rates.

"Take telemedicine, for example, or telesurgery, where a doctor in the United States could perform surgery somewhere overseas," Harper says. "You have to have an Internet connection that is absolutely rock solid -- bulletproof -- for that. And maybe it's appropriate to have prioritization of that communication, as against e-mails and communications that don't require real-time communications."

### **'Good Consensus'**

Harper thinks there's a "pretty good consensus that neutrality is the appropriate way for the Internet to run and very few parties want to get away from that." But he also thinks ISPs shouldn't be forced to adhere to the principle of a wide-open Internet.

"Net neutrality, I think, is a good engineering principle. It's a good way to run the Internet," Harper says, "but I don't think it would be a good idea for Congress to write any law or for the Federal Communications Commission to write any regulation that requires how it's implemented."

The FCC and some members of Congress disagree.

The FCC is now said to be looking into the possibility of reclassifying broadband Internet service under the country's Communications Act, which would bring it under its control.

In response to the Google-Verizon proposal, FCC chairman Julius Genachowski called it "unacceptable" for ISPs to give priority service to content providers who pay higher fees, which he said threatens "the freedom and openness of the Internet for consumers and entrepreneurs."

Members of Congress have also spoken out against the industry making its own guidelines. On August 17, a group of Democratic representatives sent a letter to the FCC demanding it take "formal action" to stop companies from weighing in, arguing that agreements like the Google-Verizon proposal would "harm the Internet."

And Senator Al Franken (Democrat, Minnesota) has launched an online petition where concerned members of the public can, as he says, help "save net neutrality and stop the corporate takeover" of U.S. media. On the petition website, Franken calls net neutrality "*the* First Amendment issue of our time. If you want to protect the free flow of information in the country and all that depends on it, you have to help me fight this."

The signature page says that almost 93,000 people have joined that fight so far.

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