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### **Net Neutrality Ethics Paper**

The idea that all internet traffic should be treated equally and that the power to prioritize, slow down, or even block it should not be in the hands of internet service providers (ISPs), is a concept known as net neutrality(Net Neutrality). For over a decade now, this concept has held center stage in an ongoing drama about just who really should have the power to control the Internet. Decisional authority about "who gets what and when" has been placed in the hands of several key players, namely, the Federal Communications Commission (FCC), the Internet Governance Forum (IGF), the Department of Justice (DOJ), and the handful of large corporations that dominate the online world (Net Neutrality). This paper tells the story of how they came to be the deciders in this important arena, and along the way, it assesses the vitality of the net neutrality concept as an idea that Internet users should value and defend.

Proponents of net neutrality advocate for regulations that would keep the internet fair and open. They are worried that, without such rules, ISPs might gain too much power and use it in ways that benefit them but harm consumers (Net Neutrality). For instance, in a recent report, the media reform group Free Press stated that net neutrality "is essential for an open internet and is the best way to protect consumers from ISP favoritism and abuse”(Net Neutrality).

Proponents assert that net neutrality is responsible for fostering innovation and competition in the tech sector(Shah pt.1). With no hazard of either throttling or paid

prioritization to impede them, new businesses and even small tech startups can point to an unadulterated internet veritable operational playground(Shah pt.2). Indeed, the Association for Computing Machinery's Code of Ethics states that encouragement of equal access is, as much as it ever was, a dictator of virtue when it comes to potential tech industry magic(Gotterbarn). If ISPs are allowed to prioritize their own platforms or to charge other businesses for progression on the internet, many small businesses could well find themselves increasingly throttled and unable to scale, with the sorts of consumer choices that path has traditionally opened up being limited (Malamud).

Moreover, supporters contend that net neutrality encourages the expression of diverse ideas and opinions. If ISPs can pick and choose what to promote or slow down, we're suddenly not on the same playing field as the totalitarian regimes that some Americans like to mock. An ISP could throttle content but it would also entail a whack-a-mole strategy: for every paper it tries to suppress, it would end up far more visible and far more divisive than any intelligent or effective ISP should want to be (Malamud).

Those who stand against net neutrality think that regulation restricts the freedom and investment opportunities of ISPs. Bret Swanson, for instance, argues in Google and the Problem With "Net Neutrality" that allowing ISPs more flexibility in handling their networks tends to lead to better resource allocation and, as a result, improved service quality. He also notes that fewer restrictions can translate into a kind of incentive for ISPs to invest more in their networks and that those investments often manifest themselves in infrastructure improvements (Swanson).

Some critics argue that in a competitive market, ISPs have little incentive to impose restrictions on consumers that would lead them to become disgruntled. For example, if one ISP were to start throttling speeds or blocking websites, persuading consumers to switch to another

provider would be very easy—especially if that other provider was not imposing such restrictions(Malamud). Market forces would protect consumers from any ISP that might try to do something nasty, like imposing a "payola" scheme where contents keep getting to consumers only if the sender pays up (or "sends up," as it were). Indeed, accountability through the need to attract and retain customers is something that the telecommunications sector has claimed for many years now as the great reason why to let market forces do their thing(Shah pt.2).

Furthermore, there are those who contend that the FCC's regulatory approach under Title II—which classified ISPs as common carriers—placed an unfair burden on the telecommunications industry. Although the FCC has not declared a new regulatory environment, it has clearly moved the telecoms toward a less restrictive, more flexible set of "rules" that some people in the industry see as a way to explore new business models and possibly invest in the next big thing(Rosenworcel). For instance, net neutrality opponents argue that if ISPs can now charge for bundled services and paid prioritization, those additional revenues could go toward rural broadband expansion(Rosenworcel).

Both sides present good arguments, but I come down on the side of net neutrality. I see it as an essential consumer protection that allows anyone to use the internet without facing unfair obstacles. Internet access is controlled by a few very powerful companies that could impose unfair restrictions or fees if they wanted to. As I state in Item 21, I see net neutrality laws as essentially preventing these ISPs from becoming a kind of internet toll collector that could impose all sorts of unfair fees and restrictions.

This compromise would safeguard consumers against unfair practices like throttling and blocking without dissuading ISPs from pouring money into the next-generation internet. Of course, ensuring that all parts of the internet are equally accessible to all people (and to all lawful

content) is crucial if we're to have a fair and competitive online space. But ISPs and other internet companies are people too. And if we want them to keep innovating and investing in new technologies, we have to ensure that a balanced regulatory approach serves both their interests and ours.

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