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Media Activism (AHSE 1199-02)

Website Mission Statement

Net neutrality, as it is commonly defined, is the idea that Internet service providers (ISPs) should treat all content equally, regardless of its source, destination, or subject matter. This addresses any kind of biased action by ISPs, be it favoritism or discrimination. An example of the former would be giving top loading speeds and priority to websites of certain allied companies, while instances of the latter could be slowing down or even blocking access to a particular website that the ISP doesn’t like, or charging companies an exorbitant fee to enable their sites to actually load. Net neutrality isn’t quite happening yet, though, and it needs to, as soon as possible. In one of the worst-case scenarios, if we allow ISPs to maintain their tight grip on the market with no regulations, the Internet service industry will continue to deteriorate until our ISP giants maintain full control over what content is and isn’t available, with the power to change anyone’s restrictions at their discretion. Net neutrality is one of the most important (yet overlooked) tenets of the Internet, and all of us everyday users have a duty to guarantee this content equality for the future.

Unfortunately, there’s a debate today about whether or not net neutrality is a good thing. Proponents maintain that it allows an even playing field for all sites, [1] while opponents argue that net neutrality would make it harder for ISPs to make a profit if they weren’t allowed to charge extra for an “Internet fast lane”. They also make the point that ISPs have limited bandwidth, and need to charge more for content that occupies more of that bandwidth. However, we already know that ISPs will take anything that we let them, and have no qualms taking advantage of their customers. In Seoul, South Korea, consumers can pay $30.30 per month for speeds of up to 1 gigabit per second. Meanwhile, in San Francisco, CA, the best option that consumers have is $30.00 per month just for speeds of up to 200 megabits per second (thirty cents less for one fifth of the speed). [2] This is only a comparison of optimal services, and there are other providers with slower, more expensive plans, but the general tendency of U.S. ISPs overcharging is the same. There are smaller or less widespread ISPs who have much better deals, but their very limited influence means that the larger ISPs, all of whom have follow the trend of high prices for low speeds, will likely remain the majority, and thus are the ones for whom we must make the rules. From this argument that these ISPs are greedy, it logically follows that we need to limit the power that ISPs have over their customers. After all, the regional monopolies that ISPs have in many areas of the U.S. prevent healthy competition and allow ISPs to do what they like without fear of losing customers. This leads into another pro-net neutrality argument: legislation that enforces net neutrality would also create some measure of competition amongst service providers. The reasoning for this is that if ISPs are able to change service based on content, then they could simply prevent their competitors’ pages from ever loading, thereby eliminating any possible rivals. [3] This same ability would also allow for the creation of the aforementioned “fast lane”, which is another way of saying that ISPs could slow all websites down and only bring back up to speed the websites that belong to companies who would pay extra to not be limited, or perhaps a milder implementation of keeping all websites neutral and making the websites of those who paid load faster than standard.

As we can see from the actions of ISPs, we need to overcome a few obstacles before we can achieve net neutrality. In the United States, the Federal Communications Commission (FCC) is tasked with watching over the ISPs to ensure proper behavior. In 1934, the FCC passed the Communications Act, of which Title 2 regulates common carriers so that anyone who provides widespread service to the U.S. cannot unjustly or unreasonably discriminate “in charges, practices, classifications, regulations, facilities or services”. [4] However, while this act has been successful in regulating the behavior of television and telephone service providers, Internet service providers are another story entirely. Since the Internet had not yet come into existence in 1934, the FCC recently proposed subjecting them to the regulations of Title 2, and at first, this plan seemed to have succeeded. The FCC passed the Open Internet order in December 2010, but they only gave ISPs a fraction of the regulations to which other types of carriers are subjected, likely because Tom Wheeler (the chairman of the FCC) is a former cable lobbyist. [5] Despite these minor changes, the FCC can do nothing to actually impose their rulings on the ISPs. In January 2014, the DC Circuit Court ruled that the FCC holds no power to enforce net neutrality, citing the fact that ISPs are not classified as common carriers under Title 2 of the Communications Act as their reason. [6] In February 2014, the FCC announced that they would try for a second attempt at enforcing net neutrality, hopefully in a way that the courts permit. [7] Currently, the FCC’s proposal allows for the sort of payment from content providers to ISPs to allow their content to load faster, still leading to the “Internet fast lane” concept mentioned before. However, even President Obama has stated that he is against “differentiation in how accessible the Internet is to different users”. [8] In fact, Obama recently urged the FCC to “adopt the strongest possible rules” on net neutrality, including Title 2. [12] The president’s support is crucial because it gives credence to the claim that Internet access is a public utility, much like phone service and electricity. The FCC was perfectly content to ignore the petitions of the general public, but even Wheeler had to respond when the U.S. president implores him to act. Wheeler promised that he would take Obama’s advice into consideration, but there are no guarantees that Wheeler will listen to Obama’s advice. It’s a large step in the right direction, but to put even more pressure on Wheeler to act in full favor of net neutrality, you can help spread President Obama’s stance on (and support for) net neutrality by visiting this page: <http://www.whitehouse.gov/net-neutrality/>.

How could your everyday Internet user make a difference towards net neutrality? Many websites participated in the “Internet Slowdown”, temporarily slowing down their sites for a day in order to show readers what it would be like if the current proposal was accepted. [9] By doing so, these sites spread awareness of the net neutrality cause and forced visitors to experience a potential, yet preventable, future. This opened the eyes of many people to what it would be like if the FCC’s proposal passed as it currently stands, and made clear the next step that net neutrality advocates need to be taking: arguing for a change to the FCC’s proposed rules so that ISPs are classified as common carriers and thus fall under the jurisdiction of Title 2. When the FCC opened a public comment period in May 2014 about suggestions for their proposal, they received over one million responses! [10] This is more than they’ve ever collected on any rule-making matter before, and the hope is that such an overwhelming show of support will affect the FCC’s final vote, rumored to be sometime before next year. [11] This support is absolutely essential because of the aforementioned court rulings. There isn’t much leeway for the FCC to try writing new rules, and Marvin Ammori, from the New America Foundation, says: “It will either be we win on Title 2 or we lose… The court decision leaves very little choice for a third way”. [11] This means that we all need to do two things: convince the FCC to change their proposed rules so that ISPs become considered common carriers, and persuade Congress to let the FCC’s proposal pass. If these steps don’t succeed, then we as Internet consumers may forever remain at the mercy of local monopolies run by the few ISPs in America, giving them free reign over what they choose to give us, and for how much. While the best practice when contacting representatives is to state your own views and intentions, it’s often much easier for visitors to a site to just enter their name and that they support the cause, so many different websites have premade templates for users to fill out. The visitor can just fill in their contact information to quickly and easily show their support towards these causes, e.g. <http://act.freepress.net/sign/internet_fcc_proposal/> and <http://cms.fightforthefuture.org/tellfcc/>. Of note is the fact that, if net neutrality isn’t guaranteed, ISPs will be able to prevent any such petitions from ever loading!

Net neutrality is something that most Internet users take for granted, but, because of the recent court verdicts, it’s not a guarantee. In fact, earlier this year, Comcast refused to “provide its own customers the broadband speeds they’ve paid for unless Netflix also pays a ransom,” which translates to Comcast deliberately inhibiting the loading speed of Netflix for Comcast customers in order to get more money from Netflix. [13] This sort of business practice is unacceptable for two reasons: first, it’s extortion to withhold services that have already been bought until more money is given, and second, Netflix’s consumers are forced to pay more to cover the costs of this ransom tax. Customers of both Comcast and Netflix essentially paid a reconciliation fee in order to be able to use two services that they already paid for! Anybody who doesn’t want their access to a website or service to be based upon that site’s tithes paid to ISPs needs to immediately take action as detailed above. If the United States doesn’t achieve some semblance of net neutrality, there will be nothing to inspire competition amongst ISPs, resulting in a stale market of low-quality service and no alternatives, rife with extortion. The Internet will finally be fully censorable, with ISPs controlling exactly what does and doesn’t load. Can you imagine trying to watch your favorite show on Netflix, only to find out that Netflix didn’t pay their weekly tax to Comcast? Or waking up to find that Dailymotion loads hundreds of times faster than YouTube because Google won’t give Time Warner Cable extra money for a “fast lane pass”? If you, like me, are against this future full of bias, censorship, and extortion, take action and join the fight for net neutrality today!

Endnotes

[1] Free Press Action Fund. “Frequently Asked Questions.” *Save the Internet.*

[2] N. Russo, R. Morgus, D. Kehl, S. Morris. “The Cost of Connectivity 2014.” *New America.*

[3] L. Lessig, R.W. McChesney. “No Tolls on The Internet.” *The Washington Post.*

[4] M. Lasar. “FCC on net neutrality: yes we can.” *ars technica.*

[5] Federal Communications Commission. “Open Internet.” *Federal Communications Commission.*

[6] U.S. Court of Appeals. “Verizon v. Federal Communications Commission.” *U.S. Court of Appeals.*

[7] N. Weil. “FCC will set new net neutrality rules.” *Computer World.*

[8] B. Fung. “Obama on net neutrality: My administration is against Internet fast lanes.” *The Washington Post.*

[9] Fight for the Future. “Sept. 10th is the Internet Slowdown.” *Battle for the Net.*

[10] E. Hu. “1 Million Net Neutrality Comments Filed, But Will They Matter?” *all tech considered.*

[11] J. Brustein. “Everything You Need to Know About Net Neutrality.” *Bloomberg Businessweek.*

[12] B. Fung. “Obama to the FCC: Adopt ‘the strongest possible rules’ on net neutrality, including Title 2.” *The Washington Post.*

[13] T. Spangler. “Netflix Responds to Comcast: It’s ‘Extortion’ to Demand Payment for Delivering Video.” *Variety.*

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