

Keeping the Internet Open for Everyone

The Fight for Our Online Future

On May 15, 2014, the Federal Communications Commission proposed rules that would allow rampant discrimination online. Under these rules, telecom giants like AT&T, Comcast and Verizon would be able to create a two-tiered Internet, with fast lanes for those who can afford it and dirt roads for the rest of us. These companies would have the power to pick winners and losers online and discriminate against online content and applications. And no one would be able to do anything about it.

At stake is the future of the open Internet — whether it will remain a medium for free expression, economic opportunity and innovation, or something that just a few companies control.

The FCC crafted its latest proposal in response to the January court decision that struck down the Commission's 2010 Open Internet Order. The court made no judgment on the merits of the Open Internet rules, but said that the FCC had used a questionable legal framework when it adopted them.

To restore Net Neutrality, the FCC must correct this mistake and reclassify broadband as a telecommunications service. Unfortunately, Chairman Tom Wheeler's current proposal relies on Section 706 of the Telecommunications Act. Drawing on Section 706 would not let the agency prevent Internet service providers from discriminating against or outright blocking content.

Other portions of the Communications Act give the FCC clear power and responsibility to protect the Internet from corporate abuse, but earlier missteps jeopardized not just its Open Internet Order, but the agency's ability to promote affordable, universal and reliable broadband networks. The FCC's role in preserving online privacy is also now at risk.

The FCC adopted the Open Internet Order in response to a string of abuses from phone and cable companies. This included the discovery in 2007 that Comcast was blocking people from sharing digital files of the King James Bible and public-domain song recordings.

Without strong Net Neutrality protections, these companies could double-charge for delivering content. They could collect from their own customers for basic Internet connectivity, which is always rising in price, and then demand another toll from content providers for the privilege of having their content flow to Internet users. This is exactly what



What Is Net Neutrality?

Net Neutrality means that companies like AT&T and Verizon can't block, edit or discriminate against the information we send and receive over the Internet, like the sites we visit or the applications we use. It requires these providers to treat all lawful content the same.

Net Neutrality has nothing to do with *what* we say to each other. It doesn't — and shouldn't — apply to the content of websites or email messages, or to applications like Spotify or Skype. It just ensures that the companies carrying our Internet traffic can't step in and interfere with our communications.

The Foundation for the Internet

Net Neutrality is not a new concept. This principle paved the way for the Internet and its many innovations. As Sir Tim Berners-Lee put it, “When I invented the Web, I didn’t have to ask anyone’s permission.”

Net Neutrality grew from common-carriage principles that require network operators to serve the public without discrimination. When Congress updated the law near the beginning of the Internet era in 1996, it preserved this important distinction between content, which the FCC can’t regulate, and carriage, which is the cornerstone of our telecommunications system.

Broadband networks, like all telecom networks, are essential to our ability to connect and communicate. We need to preserve and strengthen these longstanding Net Neutrality principles, and ensure they cover all forms of Internet access.

A World Without Net Neutrality

Even though Net Neutrality made the Internet what it is, network operators have worked hard to eliminate these protections. They want to extract even more profit from their customers, and from content and app providers, by deciding which sites and services their customers can access.

Without Net Neutrality, major broadband providers — all of which are also in the pay-TV business — could favor their own shows and movies while blocking or slowing down services like Netflix. They could prioritize traffic from companies like Apple and Google that can afford to pay tolls but keep startups in the slow lane. They could charge their own customers extra just for visiting certain websites or using certain applications.

Telephone and cable companies that provide Internet access want to determine which services and content are available online — even though they would never treat phone customers this way. Can you imagine AT&T redirecting you away from your favorite pizza shop and forcing you to order from Domino’s? But that’s exactly the kind of power network operators want over the Internet.

The Threat Is Real

This kind of online discrimination is already happening around the world, and the trend will accelerate here in the U.S. if the FCC fails to take the right steps. Both Comcast and Verizon have already begun playing games with traffic from Netflix and other sites, slowing down broadband customers’ access to Internet content, apps and websites.

While big companies may have the resources to survive these threats, startups and small businesses won’t. Even the largest Internet companies started small. There’d be no Amazon or Twitter if they’d been forced to pay extra just to be visible online. There’s no telling what new sites and services we could lose out on.

The Fight for Net Neutrality Is Far from Over

We’re in this mess because the FCC made the mistake in 2002 of classifying broadband as an information service. Information services aren’t entitled to the same protections as telecommunications services, as the January 2014 court case made clear.

If the agency now chooses to define broadband as what we all know it is — a connection to the outside world that is merely faster than the phone lines we used to use for dial-up access, phone calls and faxes — then it can treat broadband as a telecommunications service.

Doing so would give the FCC the clear authority to adopt strong Net Neutrality rules. And it would enable the agency to intervene whenever ISPs harm the open Internet through discriminatory practices.

The fix for the open Internet is right there in front of the FCC. We need to push the agency to summon the political will to do the right thing.

