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Thursday, December 02, 2010

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## THE HILL'S Congress Blog

Where lawmakers come to blog

### Google/Verizon proposal underscores need for FCC action

By Ed Black, president & CEO of Computer & Communications Industry Association - 08/12/10 10:15 AM ET

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Those denouncing and supporting the Internet access rules proposed by Google and Verizon this week can likely agree on one thing – the deal has made people realize how much is at stake in the so-called net neutrality debate. It has shown that in the absence of clear rules supporting the public interest, corporations may make their own private deals.

After years of waiting for Congress or the FCC to protect small businesses' and consumers' Internet access, it is not surprising that companies would come up with their own framework to achieve their unique goals. But this net neutrality deal announced this week by an Internet Access Provider, Verizon, and a content provider, Google, only underscores the need for the FCC to act this year to protect the open Internet.

In the absence of FCC action, or a new law signed by the President, millions of users including households, students, nonprofits, and small and large businesses, are at the mercy of their IAPs -- with no enforceable, legal rights to quality Internet access.

The FCC needs to correct the errors of past rulings that misclassified basic communications and access functions as information services and thus close the gap of authority caused by an April Comcast court decision.

While having Congress pass legislation has appeal, in reality, the political clout of Google combined with all proponents of net neutrality might be able to stop terrible legislation, but it could not ensure good legislation -- even if good only meant the Google/Verizon proposal.

This proposal contains positive and negative provisions. Since IAPs would be free to sell their bandwidth and a higher quality of service to the highest bidders, they could relegate ordinary Internet users to a slow and stagnant lane of service. This would create another dimension of the digital divide.

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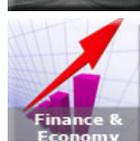
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While we believe the limitation on the regulation of content and applications on the Internet is a positive part of the proposal, there is a cutout for so called 'additional online services' without defining the scope of what could be included. What's more troubling than not knowing the scope is the language creates a loophole that could easily swallow the nondiscrimination rule.

The initial reaction to the announcement of this agreement is revealing. Companies that are lining up with business models that depend on discrimination of Internet content have not attacked it. Meanwhile, groups that defend first amendment rights and public access to media have criticized it because it would change the historically content neutral rules that have made the Internet such a critical communications and business tool.

This flawed net neutrality proposal is a positive step in the debate -- if it spurs action by the FCC. The debate around it has helped cut through the misinformation campaign by some major IAPs.

For example, the deal shows Verizon, and companies like it, acknowledge they can continue to prosper while still providing neutral and nondiscriminatory access to the Internet. It also reaches a consensus that IAPs should not use their lock on access to discriminate among Internet users and that they should be transparent and fair in their network management practices.

Since the April Comcast court decision, the FCC lacks enforceable rules to protect consumers, though most academics and others without a financial stake in the net neutrality debate believe applying existing Title II communications laws to broadband Internet is an effective solution.

The government must respond with limited action to reclassify the transmission component of broadband Internet access. The FCC is offering a 'third way' approach that would provide limited Internet transmission rules for IAPs without regulating the Internet itself. The FCC needs to do this now to ensure that future innovative companies have the possibility of becoming new Googles, eBays, Facebooks, or Twitters.

We believe neither the government nor any company should regulate the Internet itself. As the leader of a diverse tech trade association, I advocate for minimizing government regulations as a general principle and this is one example of where the government needs to step in so that companies don't by default regulate the Internet.

The sincere, balanced efforts of this Administration are under constant assault by very powerful, entrenched corporate special interests and lobbyists, and hearing from Internet users and entrepreneurial businesses, which depend on Internet access during the FCC comment period that ends Aug. 12 would help. Freedom of expression and freedom to innovate on the Internet are too critical to jobs, our economy and our democracy to let a handful of companies thwart FCC action to protect the public interest in an open Internet.

*Ed Black is the president & CEO of Computer & Communications Industry Association (CCIA). CCIA is a nonprofit international tech trade association that is a proponent of net neutrality. CCIA has filed FCC comments supporting limited regulation on broadband access providers without regulating the Internet itself and has testified before a joint Congressional committee on China this year against Internet censorship and for Internet freedom*

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### BALLOT BOX

internet censorship and for internet freedom.

Comments (6)

If people would boycott Verizon and Google use, this would send a message to these corporations. Personally I am canceling my Verizon cell service, plus I use other internet search engines. Google has become an "EVIL" doer.

BY JEFF WOLFLEY on 08/12/2010 at 12:07

I am not for government control of the internet at all. I say it is free enterprise. There is enough "enterprise" out there that no company that will every own all of the internet, it is too big. This administration wants to control the internet for two issues: 1) to put taxes on people using the net to fix the mess they have helped to create, 2) to control votes on future elections.

BY STONE on 08/12/2010 at 14:05

Stone, man, please take off the tinfoil hat. I'm as sympathetic as the next guy to libertarian business principles, except if you're the next guy. The threat to consumers from the precedent that this Verizon/Google deal would set is, by any rational standard, far greater than the danger that net neutrality represents a nefarious conspiracy to make more people vote Democrat.

BY ETHAN on 08/12/2010 at 14:45

No libertarian here, and if I had a tinfoil hat it's one I borrowed from you...You think countries like Venezuela, Korea, China, Iran, etc. felt that at one time in their future their government would never shut the internet down for political reasons?

Think its just me right?
http://www.fool.com/investing/general/2010/07/09/finally-big-brother-is-watching-you.aspx

and of course this is all me too?
http://www.mainstreet.com/article/smart-spending/technology/can-obama-turn-internet?cm\_ven=msnetzero

There's a lot more if you investigate and you might want to put a little reality into your life.

BY STONE on 08/12/2010 at 20:24

Easy Stone don't let him bait you get your information out for people to see. Your close to bang on for the issue never give up the ship.

BY CALLIDUS WOLF on 08/13/2010 at 19:26

You know everyone is painting an evil picture on Google when most of us don't understand whats really going on. All Google is saying is that the internet is young and that the government should not place any restrictions on it as of yet.

Google truly does no evil. Or do they? There is this one article I read at called "How doing Business With Google Almost Killed A Company". That is probably the most evil thing Google has ever done.

BY TRISTAN36 on 08/14/2010 at 04:24

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Name (required)

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