

Let's Address the Larger Threat to Internet Freedom

FCC Commissioner Robert M. McDowell's "The U.N. Threat to Internet Freedom" (op-ed, July 23) presents an articulate, but flawed, argument about the FCC's recent proposal to achieve nondiscrimination on the Internet.

The tech trade association I lead wholeheartedly agrees with Mr. McDowell that regulation of the Internet by supranational bodies, such as the International Telecommunications Union (ITU), that do not share our nation's commitment to freedom and openness would be bad. The Internet has thrived under light governance.

However, the bigger risk to Internet freedom comes not from government regulation, but from dominant firms controlling Internet access.

The commissioner equates the FCC's proposal to reclass-

sify the transport component of broadband ("the pipes") as a telecommunications service with heavy-handed "Internet regulation." If it were heavy-handed, I would join Mr. McDowell in objecting.

In fact, the FCC took great care in its proposal not to regulate the Internet itself. This limited proposal merely clarifies the FCC's authority to enforce nondiscrimination rules that protect Internet users. The FCC has wisely proposed separating the "pipes" from the content layer of the Internet, which would expressly prevent additional regulation of what the world thinks of as "the Internet."

Mr. McDowell compares the FCC's proposal to the "state interference" practiced by the likes of North Korea, Iran and China. Horrible if true, but it's not. To conflate

a rule designed to prevent discrimination and censorship with state-sponsored censorship is seriously misleading.

Enforceable nondiscrimination rules are needed to ensure that oligopolistic Internet access corporations do not "regulate" the Internet by determining what information can and cannot flow through their gateways. These companies are spending tens of millions of dollars to get Congress, the courts or the FCC to ensure they have a green light to discriminate. If no action is taken, the fundamental open and free nature of the Internet will be in jeopardy—even if we can fend off the ITU.

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