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Net Neutrality and You: What to Know

By Emily Baker, PayneGroup, Inc.

“Net Neutrality” is walking the red carpet of buzzwords right now. You’ve probably heard a lot of passionate commotion on this topic coming anywhere from President Obama to your Twitter feed. Let’s take a look at what net neutrality means and three of the core issues driving the debate.

WHAT IS NET NEUTRALITY?

Delving into the world of net neutrality, you might find yourself relearning how the Internet works or reviewing the basics of information delivery. The idea of an open internet isn’t new and the term itself (Network Neutrality) was coined in 2003, but it’s become a household name due to a recent lawsuit brought against the Federal Communications Commission (FCC) by Verizon. The court ruled that the FCC did not have authority to impose two of three orders in the Open Internet Order of 2010, vacating both the order preventing the blocking or degrading of access to lawful content and the order forbidding discrimination against lawful network traffic. But, Alex Wilhelm of TechCrunch reminds us to “keep in mind that the proposed rules are not final. The FCC is seeking input for 60 days . . . on how to best proceed to protect the Internet. . . .” (Wilhelm, 2014) After this period ends on July 15th of this year, the FCC has a chance to draft a response and decide on a path forward.

COMPETITION BETWEEN INTERNET SERVICE PROVIDERS (ISPS)

Let’s say you move into a new apartment and one of the first things you want to do is get Internet access. It’s time to decide on an Internet Service Provider (ISP). But do you really have a choice? Legal scholar Susan Crawford points out, “. . . for more than 77% of

Americans, their only choice for a high capacity connection is their local cable monopoly.” (Vox, n.d.) Without competition, the largest ISPs like Comcast and Verizon can charge customers any amount they see fit for whatever speed of service they choose. Without net neutrality, these companies could begin to manipulate the speeds at which certain data is transmitted and customers would have no say in the matter. It’s like paying extra for premium TV channels, you could notice preferential treatment given to data from content providers based on the extra fees you cough up. So, with only one ISP option, you can watch your cable bill rise and keep a wary eye on iffy connection speeds, or wave goodbye to internet access in your home.

Folks on the other side of the net neutrality debate believe that more regulations will hinder competition; if service from ISPs becomes bad enough, demand will soar and new companies will enter the scene. Some argue the monopolies the cable companies enjoy isn’t their fault but that of local municipalities. Berin Szoka, Matthew Starr, and Jon Henke of TechFreedom write, “Deploying broadband infrastructure isn’t as simple as merely laying wires underground: that’s the easy part. The hard part – and the reason it often doesn’t happen – is the pre-deployment barriers, which local governments and public utilities make unnecessarily expensive and difficult.” (Berin Szoka, 2013) Open access to publicly owned rights-of-way would encourage more ISPs to grow and develop; the rules of capitalism would naturally lead to healthy competition.

COMPETITION BETWEEN INTERNET BUSINESSES

One of the biggest worries expressed by the pro-net neutrality camp is that a two tier internet will stifle innovation. An editorial from the Boston Globe puts it this way: “Companies like Facebook, Google, and Twitter have been able to grow from nothing into global titans in part because they faced no barriers to entry; a good new Internet product, even one

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launched out of a garage or a dorm room, could gain traction easily because Internet service providers had to let their subscribers access all sites equally.” (The Boston Globe, 2014) If newer, smaller companies can’t afford to jump into the fast lane, how could they ever hope to compete with established companies already there? Eleven Democratic senators crafted a letter to the FCC urging stronger net-neutrality regulations, stating, “The genius of the Internet is that it allows innovation without permission, not innovation only after cutting a deal with the ISP and receiving the FCC’s blessing for it.” (Sasso, 2014) Keeping the Internet a neutral, equal-opportunity, marketplace means everyone enjoys a fair chance at making it big.

But some will argue the opposite that the Internet is currently and has been warped to play favorites. Harold Feld, the senior vice president of consumer-advocacy group Public Knowledge, emphasizes, “The question isn’t whether the Internet treats everyone equally—because it doesn’t already.” (Sasso, 2014) He’s referring to several ways larger companies can manipulate what they’re working with to get ahead. For example, if your company has the resources, you can pay for Content Delivery Networks (CDNs) to move your data. This speeds up content delivery time because the CDNs may exist all over the country, cutting the distance the data has to travel.

Google, Apple and Microsoft, to name a few, have invested billions building their own infrastructure to give them an edge over the competition. Websites can also seek an advantage by manipulating search engine results. It makes sense that Google will want to see their sites at the top of the list, and companies that pay for ads will enjoy the spotlight. Netflix has already agreed to pay Comcast for faster and more reliable access. There are many examples of companies with power and funds already profiting from “paid prioritization,” rendering the Internet non-neutral for years.

GOVERNMENT INTERFERENCE AND CENSORSHIP

If the government doesn’t step in now, they will have to sooner or later. That’s the sentiment expressed by net neutrality advocates. They feel that without strict guidelines, ISPs will progressively push their own

agenda without regard for the public, leading to lawsuits and new regulations further down the line. The time to act is now, before the monopolies grow and civil liberties are violated. Without net neutrality, they maintain, ISPs will give preferential treatment not only to those who can pay, but to those whose beliefs are in line with their own.

The ACLU cites examples of companies abusing their power, for instance the blocking of a union website in the midst of a labor dispute by Canadian telecom Telus. The website also lists Comcast’s throttling of BitTorrent and the censorship of a streaming concert by AT&T. “So far these incidents have been just that—incidents. This kind of behavior has not yet become broadly accepted or ‘baked in’ to the structure of the Internet. But without enforceable network neutrality rules in place,” ACLU concludes, “that could quickly happen.” (American Civil Liberties Union, n.d.)

On the other hand, should we rely on the government to democratically regulate the Internet? Tech writer and CEO Joshua Steimle theorizes, “If we choose politicians [to allocate Internet bandwidth], we will see the Internet become another mismanaged public monopoly, subject to political whims and increased scrutiny from our friends at the NSA.” (Steimle, 2014) If you’re someone with a recent memory of heading to the local DMV, you might not sympathize with the idea of entrusting a slow-moving government to keep up with rapid, inevitable changes in technology.

SO WHAT’S TO BE DONE?

Net neutrality fans advocate for categorizing ISPs as common carriers. So what does this mean and how will it ensure an open web? Currently, common carriers are obligated by law to ship and deliver anything (legal) at a reasonable rate without discrimination. Railroads, public airlines and your telephone company all fall into this group. As common carriers, ISPs would be barred from giving preferential treatment to any content providers, removing the potential for “fast lanes” and the tampering of any data.

On the other hand, we could let market pressure drive competition. Continuing unregulated by the FCC, ISPs might make things worse for a while, but that’s what

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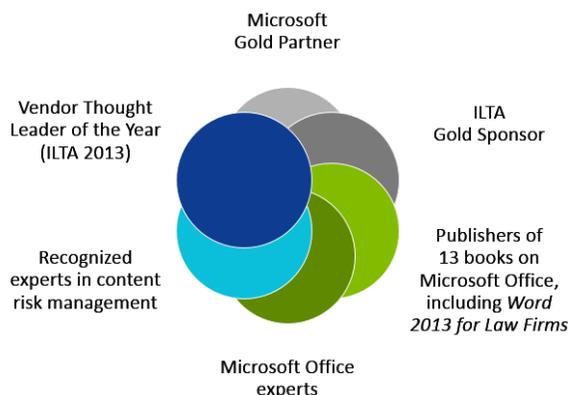
drives innovation and leads to new technologies. Really, we should already feel the pressure for more options since consumers in the U.S. currently spend much more on broadband access for slower speeds than other folks around the world (according to a study by the Organization for Economic Co-operation and Development, the US. ranked 30th out of 33 countries when looking at price and speed combined.) (Geoghegan, 2013) If ISPs are classified as common carriers, the opportunity for effective solutions to develop disappears.

Here's the deal—no one really knows what's going to happen. The question isn't if the Internet is going to shift and grow, it is how the changes will transpire. Whether you worry the Internet will be destroyed by net neutrality regulations mandated by the FCC or see a similar demise without, the truth is the Web, as we know it, is only 25 years old and will continue to evolve just as it always has.

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ABOUT THE AUTHOR



Emily Baker is an Administrative Assistant at PayneGroup. After graduating from the University of Washington with a degree in English, she headed east to enjoy good pizza and great people watching in Brooklyn, NY. A customer service enthusiast, Emily is constantly seeking ways to bring delight to the world, especially through social media. Currently residing in Seattle, she enjoys camping, cross-stitching and cultivating new culinary skills.

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