

Net Neutrality: protecting the free market

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Dec 11, 2017 (<http://stories.avvo.com/rights/net-neutrality-protecting-the-free-market.html>)

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Editor's Note: Avvo strongly supports Net Neutrality as an integral part of our mission to make getting legal help easier for millions of Americans.

In May, Federal Communications Commission (FCC) chairman and former Verizon lawyer Ajit Pai [proposed repealing](http://stories.avvo.com/freedom/death-net-neutrality-fcc-advances-proposal.html) (<http://stories.avvo.com/freedom/death-net-neutrality-fcc-advances-proposal.html>) net neutrality. After a public comment process in which bots used [stolen identities](https://www.avvo.com/topics/criminal-charges-for-identity-theft) (<https://www.avvo.com/topics/criminal-charges-for-identity-theft>) to submit [fake comments](http://fortune.com/2017/11/29/fcc-and-net-neutrality-check-to-see-if-your-name-was-used-for-fake-comments/) (<http://fortune.com/2017/11/29/fcc-and-net-neutrality-check-to-see-if-your-name-was-used-for-fake-comments/>) and a hacking [attack](http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0508/DOC-344764A1.pdf) (http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0508/DOC-344764A1.pdf) destroyed real ones, the FCC is scheduled to vote on net neutrality on December 14. Repeal could take effect in January.

What is net neutrality?

[Net neutrality regulations](https://transition.fcc.gov/Daily_Releases/Daily_Business/2015/db0312/FCC-15-24A1.pdf) (https://transition.fcc.gov/Daily_Releases/Daily_Business/2015/db0312/FCC-15-24A1.pdf) forbid internet service providers (ISPs) – particularly the big telecom and cable companies that provide internet connections for most end users – from unnecessary interference with users' ability to access content on the internet. Net neutrality is defined by three basic rules: no blocking, no throttling, and no paid prioritization.

[Polls show](http://time.com/3578255/conservatives-net-neutrality-poll/) (<http://time.com/3578255/conservatives-net-neutrality-poll/>) that 83 percent of conservative voters are concerned about ISPs' ability to influence content and think that Congress should ensure cable companies do not monopolize the internet or reduce the equality of the internet by charging extra for speedier access. Net neutrality rules address conservatives' concerns, but Pai put them on the chopping block anyway.

A conservative history

The [Telecommunications Act of 1996 \(https://www.congress.gov/bill/104th-congress/senate-bill/652/text\)](https://www.congress.gov/bill/104th-congress/senate-bill/652/text) empowered the FCC to regulate the industry and defined “telecommunications utility.” The FCC interpreted the definition to exempt cable companies from utility pricing regulations, creating an obstacle to small ISPs that wanted to sell fast internet access using cable broadband wires instead of slower phone lines. In the 2005 Supreme Court case [National Cable & Telecommunications Assn. v Brand X Internet Services \(https://www.law.cornell.edu/supct/html/04-277.ZS.html\)](https://www.law.cornell.edu/supct/html/04-277.ZS.html), conservative Justice Antonin Scalia [opposed \(https://www.theatlantic.com/technology/archive/2014/11/the-conservative-case-for-net-neutrality/382650/\)](https://www.theatlantic.com/technology/archive/2014/11/the-conservative-case-for-net-neutrality/382650/) the Court’s finding that the FCC could exempt the internet from utility regulations. He argued that allowing the FCC to interpret its own statute upset constitutional balance, and by failing to regulate cable broadband the FCC ignored the constitutionally mandated separation of powers.

Freedom of speech

Net neutrality requires all traffic on the internet to be treated the same, providing a [megaphone \(http://www.cc.org/fast_facts_conservatives_net_neutrality\)](http://www.cc.org/fast_facts_conservatives_net_neutrality) for conservative expression by guaranteeing that every website is equally accessible to viewers. Without it, the owners of a handful of companies like Comcast, AT&T, and Verizon could legally block thousands of websites from their high-speed networks, essentially silencing anyone with whom they disagree.

Increased competition

Net neutrality protects [competition \(https://www.redlinemedia.org/conservatives-support-net-neutrality-now/\)](https://www.redlinemedia.org/conservatives-support-net-neutrality-now/) by creating a level playing field. The fee-based “internet fast lane” touted by big telecommunications companies is not a new lane; rather it’s putting a toll gate on the existing highway. Anyone who doesn’t pay has to take the slow road or stay home. Before net neutrality, Comcast [throttled \(https://technical.ly/philly/2014/05/09/graph-shows-netflix-speeds-changed-comcast-deal-comcast-roundup/\)](https://technical.ly/philly/2014/05/09/graph-shows-netflix-speeds-changed-comcast-deal-comcast-roundup/) Netflix streaming until Netflix paid for higher speeds. Netflix could afford it, but throttling can [kill small businesses \(http://stories.avvo.com/money/business/net-neutrality-will-new-rules-kill-small-business.html\)](http://stories.avvo.com/money/business/net-neutrality-will-new-rules-kill-small-business.html).

Consumer benefits

Throttling results in subpar services for [consumers \(https://www.avvo.com/topics/consumer-protection\)](https://www.avvo.com/topics/consumer-protection). Blocking limits consumer choice, as when Verizon [blocked \(http://money.cnn.com/2011/12/06/technology/verizon_blocks_google_wallet/index.htm\)](http://money.cnn.com/2011/12/06/technology/verizon_blocks_google_wallet/index.htm) its customers from downloading Google’s competing Wallet app. A similar tactic, called [zero rating \(https://techcrunch.com/2017/05/19/these-are-the-arguments-against-net-neutrality-and-why-theyre-wrong/\)](https://techcrunch.com/2017/05/19/these-are-the-arguments-against-net-neutrality-and-why-theyre-wrong/), places arbitrary bandwidth caps on product categories, allowing ISPs to charge overage fees to consumers who use them.

Trump-appointed Pai is confirming the fears of conservatives who feel like the Republican party has abandoned working Americans for corporate [donations \(https://www.fastcompany.com/40459763/lawmakers-considering-net-neutrality-repeal-got-three-times-more-donations-from-isps\)](https://www.fastcompany.com/40459763/lawmakers-considering-net-neutrality-repeal-got-three-times-more-donations-from-isps), because the only constituents who benefit from destroying net neutrality are the likes of Comcast, AT&T, and Verizon.


Getting involved

In anticipation of the FCC meeting on December 14th, digital activists across the country have planned a [virtual protest \(https://www.battleforthenet.com/\)](https://www.battleforthenet.com/) for the Tuesday before, December 12th, under the hashtag banners of [#savetheinternet \(https://twitter.com/search?f=tweets&vertical=default&q=%23savetheinternet&src=typd\)](https://twitter.com/search?f=tweets&vertical=default&q=%23savetheinternet&src=typd) and [#stopthefcc \(https://twitter.com/search?f=tweets&q=%23stopthefcc&src=typd\)](https://twitter.com/search?f=tweets&q=%23stopthefcc&src=typd). The intent of the campaign is to encourage as many people as possible to contact their congressional representative to express their opposition to the upcoming action by the FCC.

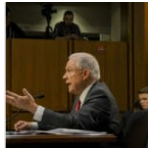
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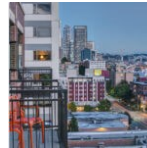
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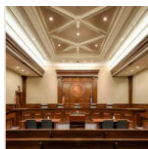
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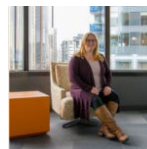
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