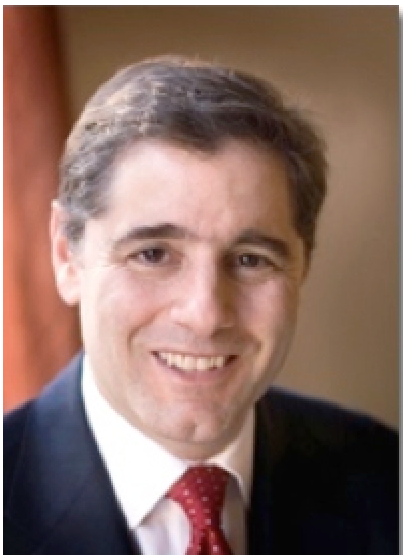
Written by **Raven Clabough** on December 21, 2010

FCC Set to Pass New Net Neutrality Regulations



In 2009, Federal Communications Commission (FCC) Chairman Julius Genachowski proposed yet another government regulation to implement a new "net neutrality" plan that would block Internet providers from controlling web traffic. After a great deal of contentious debate, the Wall Street Journal reports that the FCC is preparing to approve the proposed regulation.

The *Wall Street Journal* writes:

> The rules are expected to bar providers from discriminating against legal Internet traffic and require more transparency. They would also, for the first time, let broadband providers charge more to companies that want faster service for delivery of games, videos, or other services.

PaidContent.Org states that the proposal is comprised of three basic components:

• Transparency. While reasonable network management is allowed, it must be disclosed to consumers. That would rule out actions like Comcast's throttling of BitTorrent traffic, which was done secretly.

• No blocking of lawful content will be allowed. Pretty straightforward broadband providers wont be able to block any websites except those that have been shut down under court order or similar authority. This rule applies to mobile providers a bit differently, because while they also cant block websites, or any apps relating to video or telephony services, they will be allowed to block some apps. This flexibility is needed because some network providers may need to block apps for technical reasons; for example, an app that works great on a 4G network might underperform or even be harmful on another type of network.

• No unreasonable discrimination. Requires broadband providers handling traffic on their networks to not unreasonably discriminate or pick winners and losers on behalf of consumers. (Like Level 3 claims Comcast wants to do.) This doesn't apply to mobile.

The proposed regulation supports net neutrality, a controversial notion that has provoked anxieties over the potential power placed in the hands of large phone and cable companies. Likewise, companies that rely on the Internet for online shopping or other consumer services are skeptical.

In addition to the concerns raised over net neutrality, the FCC is proving itself to be yet another government agency that is running amok. *WSJ* states, The FCC has wanted to step in and act as an Internet cop, but Congress has never given it clear authority to do so.

Rather than allowing Congress make the final determination, the FCC has elected to usurp the power.

We must take action to protect consumers against price hikes and closed access to the Internet-and our proposed framework is designed to do just that to guard against these risks while recognizing the legitimate needs and interests of broadband providers, said FCC Chairman Genachowski.

The five-member board is split between two Republicans and three Democrats, including Genachowski. While the Republican members contend that the proposed regulation creates an unnecessary burden and discourages broadband investment, the Democratic board members believe the proposed regulation only scratches the surface of the control they want to attain. In the meantime, however, the Dems on the board support the proposal.

As it approaches passage, the board is already preparing for an influx of complaints from industry representatives and advocacy groups.

According to the *Wall Street Journal*:

> In April, a federal appeals court tossed the FCC's first effort to enforce net neutrality rules, saying the agency hadnt justified its authority to act. The current proposal is expected to use a similar argument to the one used in the April case.
>
> In May, the FCC's general counsel said using a variation on the same argument was a recipe for prolonged uncertainty but FCC lawyers now say upon further consideration, they believe their plan will withstand challenge.

However, legal challenges are only the beginning. Members of Congress, led by Republicans, are already preparing to contest the new regulations.

On Monday, Senate Minority Leader Mitch McConnell (R-KY.) posted a [video](#)urging Americans to oppose the new regulations.

In the minute-long video, McConnell explained:

> The Internet is a platform for innovation. Every day, entrepreneursoffer new services to millions of Americans like yourself, who use the Internet on a daily basis. Our economy has benefited from the rapid growth of the Internet and thats due in large part to the lack of government involvement. But that will soon change. The Obama administration-which has already nationalized health care, the auto industry, banks, and student loans-now wants to brazenly control the Internet by establishing federal regulations on its usage. This would harm investment, stifle information, and lead to job losses.

McConnell adds that he and his Republican colleagues have pressured the FCC to abandon their proposal, calling it flawed, but asks that the American people voice their opposition as well.

Along with McConnell, Senator Key Bailey Hutchison (R-Texas) has recommended that Congress cut off funding to the FCC, while Republicans in the House plan to hold hearings and propose legislation to block the FCC's new rules.

The effort against the FCC has become somewhat bipartisan. The *Wall Street Journal* explains, But Republicans wont be the only ones to oppose the FCC's new proposed rules. While many Republicans denounce the rules as an interventionist over-reach by an activist federal regulator intent on asserting control over the Internet, a number of Democrats including Senator Al Franken (D-Minn.) complain that the proposed rules are inadequate and will likely continue pushing for more stringent industry regulations.

On the Senate floor, Franken raised concerns over the increased power assigned to corporations under the new regulations. He also indicated that, despite the alleged benefits of the proposed regulations, the rules would actually allow discrimination [by] allowing Internet providers to create a fast lane for companies who can afford to pay a premium. He continued, It would allow AT&T and Verizon Wireless to complete block applications whenever it suits them, for either political or business reasons.

Stating that the FCCs proposals for net neutrality violate individual freedoms, Franken remarked, One popular Minnesota blogger should be able to get his or her information to you just as quickly as MSNBC. MSNBC shouldn't be able to pay millions to get their website to load faster on your computer.

Overall, Franken declared, We do not want corporations to be able to drown out the voices of smaller, less powerful individuals.

Americans for Prosperity a conservative organization that promotes the free market system and Constitutional principles is encouraging Americans to contact Congress and urge it to stop the FCC from growing into an uncontrollable Leviathan:

> We must get Congress to step in and STOP the FCC's Internet takeover now, because the FCC has launched secret meetings to strong-arm and coerce Internet companies into accepting net neutrality regulations or face even more devastating reclassification into a public utility!

Those interested in contacting their Congressman about this issue can visit http://www.capwiz.com/americansforprosperity/issues/alert/?alertid=15016336&type=CO.

Photo: Federal Communications Commission (FCC) Chairman Julius Genachowski: FCC