

National cases put net neutrality in spotlight

The concept of net neutrality, or the nondiscrimination of content on the Internet, became a focus of telecommunications policy discussions nearly two years ago. Since that time, the issue has been discussed more in concept than as reality, with many arguing that net neutrality is a nonissue. However, over the last few months, a couple of high-profile cases have shown just how real the issue of net neutrality could become.

On November 1, 2007, a coalition of groups led by Free Press led a petition to the Federal Communications Commission (FCC) arguing that Comcast's practice of degrading certain Internet applications—namely, peer-to-peer traffic—violates FCC's 2005 Internet Policy Statement, which ensures that consumers are entitled to access to all Internet content. The group takes issue with Comcast's claim that it was merely engaging in reasonable network management, a clause outlined in a footnote to the Internet Policy Statement.

In response, FCC released two public notices seeking comment on the situation: 1) FCC is looking to make a declaratory ruling on whether or not the practice of degrading peer-to-peer violates the Internet Policy Statement, and 2) FCC would like to clarify the meaning of the phrase reasonable network management.

More information is available at both www.freepress.net and www.fcc.gov.

Also making the news recently, NARAL Pro-Choice America, an abortion rights group, tried to offer its members a new way to keep in touch with the organization: text messaging. However, Verizon turned down the group's request for a seven-digit short code, which members would use to get updates, seemingly violating one of the principles of net neutrality: that Internet providers not favor or block any content. Verizon claims that its system is closed to

groups whose content may be seen as controversial or unsavory to any of our users. Verizon later reversed this decision.

FCC also put out a public notice on this issue, seeking comment to clarify the regulatory status of text messaging services, including short-code based services sent from and received by mobiles phones . . .

Background

Net neutrality (also often called network neutrality) is at its heart a concept of online nondiscrimination. It is the principle that consumers should be free to get access to (or to provide) the Internet content and services they wish, and that access should not be regulated based on the source of that content or service, or, to the extent possible, on the basis of the kind of service being provided. Information providers—which may be Web sites, online services, etc., and who may be affiliated with traditional commercial enterprises but who also may be individual citizens, libraries, schools, or nonprofit entities—should have essentially the same quality of access to distribute their offerings. Pipe owners (carriers) should not be allowed to charge the same kinds of information providers more money for the same pipes, or establish exclusive deals that relegate everyone else (including small non-commercial or startup entities) to an Internet slow lane. This principle should hold true even when a broadband provider is providing Internet carriage to a competitor.

Congress, as part of its recent efforts to reform telecommunications law, is weighing both sides of the net neutrality debate as they consider various forms of net neutrality legislation. Both sides of this debate have expressed valid concerns. On the one hand, it is critical for the growth of the Internet that a robust, competitive market for Internet carriage and services be encouraged, with regulation kept at a minimum. At the same time, net neutrality, properly understood, is a fundamental principle of the Internet that has permitted it to become a critical information and communication resource for libraries, their missions, and their patrons. *zz*

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