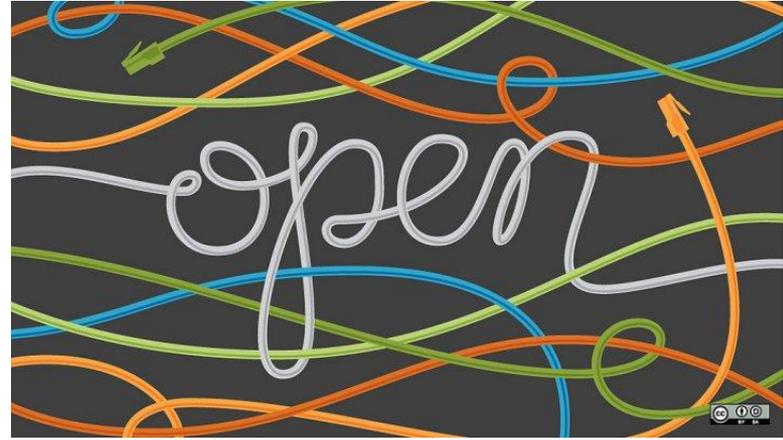


# The debate on Net neutrality in the U.S.



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# Three big no's and the return of the common carrier

Net neutrality rules passed by the Federal Communications Commission (FCC) assure no blocking, no throttling, and no “fast lanes” on the Internet.

These rules were predicated on the FCC’s decision to reclassify Internet service providers, both fixed and wireless, as common carriers under Title 2 of the Communications Act of 1934 (as amended).

## **§ 8.5 No blocking.**

A person engaged in the provision of broadband Internet access service, insofar as such person is so engaged, shall not block lawful content, applications, services, or non-harmful devices, subject to reasonable network management.

7. Section 8.7 is amended to read as follows:

## **§ 8.7 No throttling.**

A person engaged in the provision of broadband Internet access service, insofar as such person is so engaged, shall not impair or degrade lawful Internet traffic on the basis of Internet content, application, or service, or use of a non-harmful device, subject to reasonable network management.

8. Section 8.9 is redesignated section 8.19.

9. New section 8.9 is added to read as follows:

## **§ 8.9 No paid prioritization.**

(a) A person engaged in the provision of broadband Internet access service, insofar as such person is so engaged, shall not engage in paid prioritization.

# How the sausage was made

- Rare tectonic shift for the independent regulator
  - Accusations of unjust interference by President Obama
- Shocking DC circuit affirmation in a time when it is generally known for siding with the market
  - Had previously remanded prior net neutrality rules enacted in 2010
- Economic interests were the most influential framers of the rulemaking
  - Reasonable network management, especially for wireless, demanded by carriers
  - Shadowy Ad Hoc Telecommunication Users Committee anonymously represented big businesses (like Visa, Ford, UPS, etc.) supporting net neutrality
  - Google/Facebook remained silent due to mixed interests

# What is at stake?

Human Rights

Commercial competition

Free speech (of both carriers and users)

Access

Openness

Development

Freedom of expression

Freedom to innovate, for entrepreneurship

Autonomy

Combat censorship and data privacy

No taxation

Inclusion of intersectionality and diversity

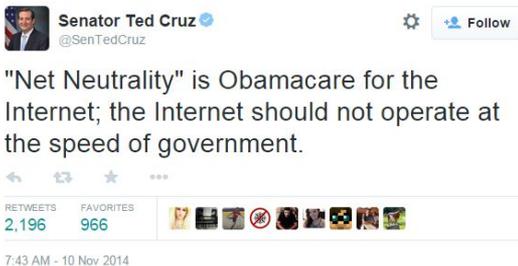
**Blunt effects of black/white rules**

Benefits/harms of no discrimination (e.g. zero rating)

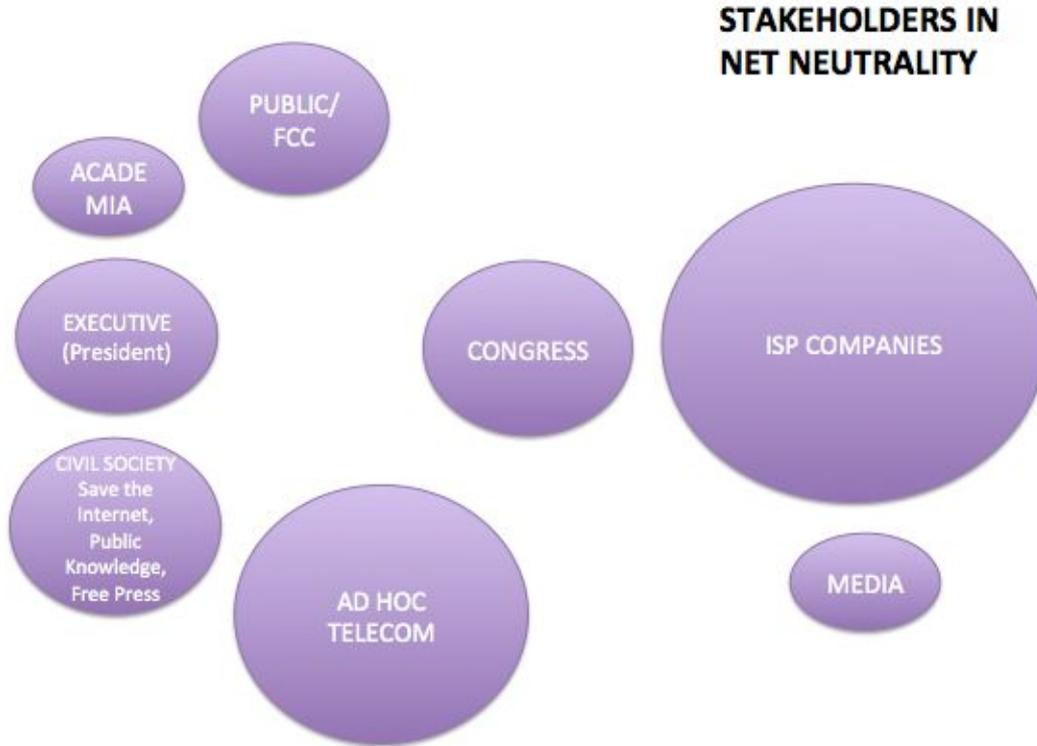
Benefits/harms of no paid prioritization (e.g. startups)

# Innovation, Free Expression, Infrastructure...

- **Eric Schmidt, Google CEO** “that [house] bill, and one that may come up for a key vote in the Senate in the next few weeks, would give the big phone and cable companies the power to pick and choose what you will be able to see and do on the Internet”
- **President Barack Obama** "That's an important role that we can play, laying the ground rules to spur innovation. That's the role of government -- to provide investment that spurs innovation and also to set up common-sense ground rules to ensure that there's a level playing field for all comers who seek to contribute their innovations”
- **Sen. Franken** “the first amendment issue of our time”
- **Sen. Cruz** “Obamacare of the internet; the Internet should not operate at the speed of government”
- **Letter to Congress from Tech Companies** “as some have already warned, Title II is going to lead to a slowdown, if not a hold, in broadband build out, because if you don’t know that you can recover on your investment, you won’t make it”



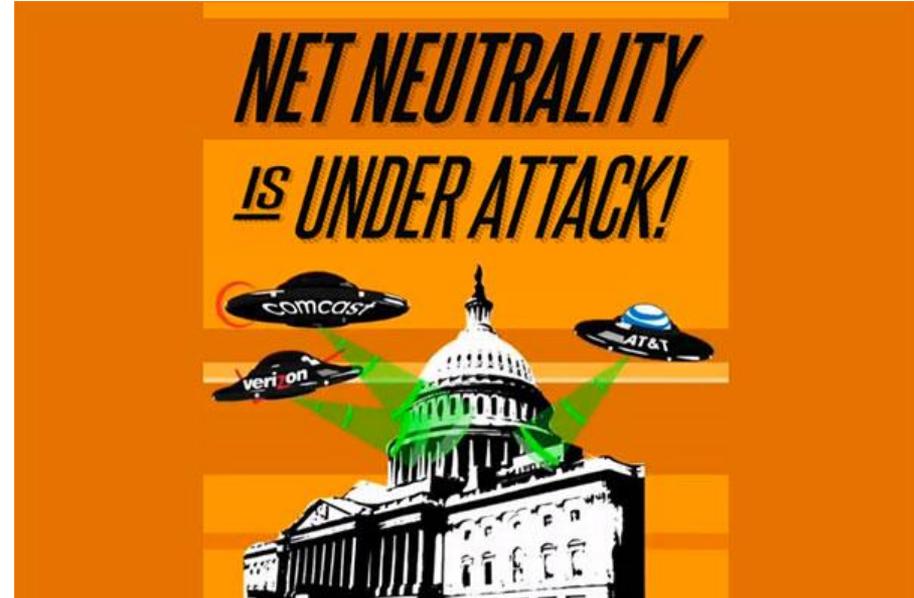
# Who calls the shots?



The size of these spheres reflects the level of influence each stakeholder had in the Net Neutrality debate.

# Net neutrality activism

- Most successful digital rights campaign along with Anti-SOPA and -PIPA blackouts of 2012
- Even though John Oliver was widely credited with explaining and promoting net neutrality in his HBO show, many years of activism preceded decision e.g. Public Knowledge
- 'Save the Internet Coalition' bringing together individuals, non-profits, and internet businesses, starting in 2006
- Petition for Congress signed by 2 mio. citizens
- 'Internet Slowdown Day'





## Sept. 10<sup>th</sup> is the Internet Slowdown

Cable companies want to slow down (and break!) your favorite sites, for profit. To fight back, let's cover the web with symbolic "loading" icons, to remind everyone what an Internet without net neutrality would look like, and drive record numbers of emails and calls to lawmakers.

Are you in?

At the International Telecommunication Union (ITU), **Brazil in collaboration with Russia, India, China**, and others proposed rules to bring the Internet under the ITU's purview, basing its justification from the net neutrality rules passed here. These attempts failed but continue, now based off other US policy with regard to the Internet, like the IANA transition overseeing ICANN's functions.

**Chile** was the one of the first countries in the world to provide net neutrality law. It has one of the most competitive telecommunication markets in the whole of Latin America. In 2010, the Chilean government passed three laws that protect the internet consumers rights.

**Mexico** witnessed protests, including a viral campaign on social media, over Internet regulations wrapped up in a pending telecommunications reform. Opponents say the legislation allows the government to censor websites, falls short on protecting users' privacy, and violates Net neutrality by allowing telecommunication companies to offer Internet services at tiered pricing.

In **India**, two major stakeholders that raised the issue of the net neutrality are the local telecom service provider **Airtel** and the transnational media giant, Facebook. In 2014, Airtel attempted to charge additional costs for using VOIP services such as Whatsapp and Skype etc. Facebook's zero rating service, Free Basics, also brought another dimension to the debate of net neutrality in India. The protests against Free Basics by the civilians and civil societies has argued on the ground that smaller firms will be unable to compete against established companies like Facebook. In 2016, the Telecom Regulatory Authority of India banned differential pricing for data services to favour net neutrality.

**HELP SUPPORT ANOTHER GENERATION**

Roshni grew up with big dreams. She wanted to go to school and open her own company that would help improve crop yield. So we put her on a free trial of Free Basics to access the internet.

Since she couldn't pay for a monthly subscription to Google, she made do with Facebook's graph search. She now understands the entire battle between Katy Perry and Taylor Swift, and can flawlessly hum the tune to Yo Yo Honey Singh's Chaar Botal Vodka.

That's pretty fucking awesome right?

WANT TO HEAR US SING ALONG WITH HER?  
LEAVE A MISSED CALL AT 1800 209 0921

**free basics by facebook**

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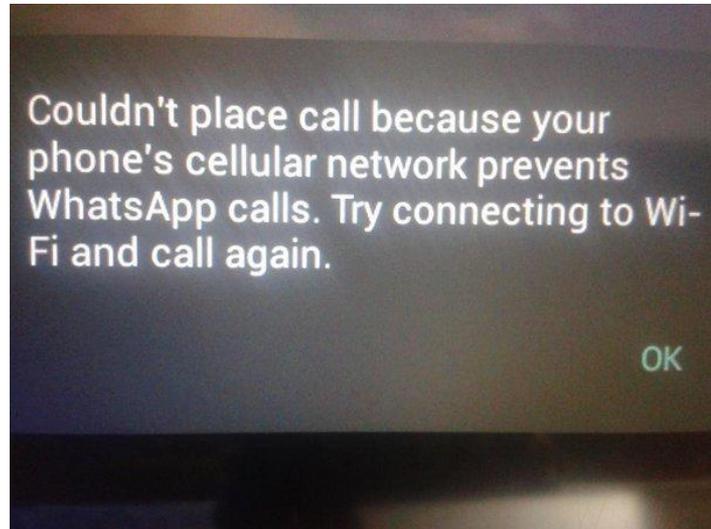
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In the fall of 2015, the **European Parliament** passed legislation that in principle guarantees the equal treatment of all internet traffic. However, the parliament voted down crucial amendments that would have closed loopholes for ISPs to offer “specialized services”, create zero rating practices, and conduct “reasonable traffic management measures”.

Known as the Marco Civil, **Brazil’s** “Internet’s Bill of Rights” the legislation ensures that the government and Internet Service Providers cannot interfere with how consumers use the Internet. It also limits what information companies can collect from customers and regulates government surveillance.

Another country that causes on backfire on net neutrality is **Egypt**, where the government shutdown Facebook’s Free Basics. Although the government was not transparent about the reason of the shutdown and the reason may not be on the ground of Net Neutrality, the local telecommunications company Etisalat said that its contract with the Facebook expired.



# What if we could speak to ISP, Edge providers or Telecoms?

- 1) Regarding the regulations around net neutrality, what do you see would curtail the expansion and growth of your company?
- 2) Do you think that the government should have role in regulating internet?
- 3) What kind of impact would you expect on your organization if the net neutrality laws were in place?
- 4) How has the current legal process impacted your organization?
- 5) In the context of broadband network development, why did you choose this specific argument to advocate for the benefit of your company?
- 6) What kind of regulatory environment, do you think, would allow flexibility, expansion and health of your organization as well as maintaining quality of your service and protecting consumers rights?
- 7) In your opinion, what kind of internet market environment would allow all tech companies to maximize innovation and also achieve sustainability?

# What if we could speak to policy makers and civil society too?

- 1) Explain us about the major challenges in balancing the demands of the companies and protecting consumers rights?
- 2) Given the ongoing debate on net neutrality and zero rating services, what do you think are the major dilemmas that prevent us to coming up with the win-win solution?

