More questions than answers over the Net

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As Congress debates whether to adhere to network neutrality, the consensus within the technology realm is as elusive as a definition of the issue itself.

Policymakers continue to argue whether they should regulate Internet service providers, as these providers could potentially discriminate against tech companies by creating a pay-for-play tier of premium services based on commercial interests. Proponents of the bill, including major Internet content providers such as Google, Amazon and eBay, argue that this would limit consumer choice of Web content or even place a tax upon consumers.

And while ISPs oppose Net neutrality legislation and Internet content providers are in support, the non-commercial opinion has fallen on both sides.

Paul Misener, vice president for global public policy at Amazon.com, spoke in favor of non-discrimination of content by ISPs at a public forum entitled "Net Neutrality: What's at Stake for the Internet, Politics, and Consumers" at the Institute for Politics, Democracy and the Internet at George Washington University. Such legislation would make it unlawful for an ISP to block access to a competitor's site.

Debating him was Mike McCurry, co-chair of Hands-Off the Internet and former press secretary to President Bill Clinton, who opposed non-discrimination legislation on the basis of protecting competition and innovation.

On the fundamental level, both sides disagreed on whether deregulation actually poses a current threat to consumer fairness. The 1996 Telecommunications Act reduced regulation of the industry with the aim of promoting competition, low prices and innovation, and the Federal Communications Commission decision last summer to lift non-discrimination regulations on telephone companies entirely becomes effective this August.

Opponents of Net neutrality argued that no disaster has or will come in the wake of this legislation.

"There is no identifiable problem that we need to solve," McCurry said. "This debate is really between very large companies, and watching very closely is Wall Street."

Months after the FCC's announcement, network operators began to express their intent to discriminate content, and it is this expressed intent that Misener and Net neutrality supporters fear will limit consumers' access to material based on commercial deals.

"It's not hypothetical," Misener said. "All the conditions exist and the announcements have been made that (the ISPs) intend to take advantage of these conditions."

Misener identified several key changes in the Internet industry in the past 10 years that convince him that Net neutrality is needed. First, the move from analog to digital technology has made it easier for network operators to interfere with content. There are also far fewer ISPs now than before, resulting in what Misener called a duopoly between cable and telephone companies.

Responding to Net neutrality opponents' clamor for preserving market competition, Misener argued that because consumers currently only have the choice between cable and telephone companies as Internet providers, no competition exists to be preserved.

"Were this a truly competitive environment among broadband access providers, we wouldn't be here today," Misener said. "The fact is there is no competition in broadband internet access in this country. When they say let the free market work, ask them where the free market is."

McCurry added that he fears the consequences of bureaucratic regulation of the Internet more than those of the current lack of competition in ISPs.

Legislation, he argued, would trigger a cumbersomely long debate in the FCC about the definition of Net neutrality, which would in turn slow down advancement in the industry. Specifically, performing the necessary differentiation between material such as video and text would be more difficult under a regulatory framework, McCurry noted.

McCurry also feared regulation without a precise definition of Net neutrality would scare off investment.

"This is a question of definition," McCurry said. "One person's definition of tier-pricing is another person's definition of discrimination."

Following the debate, a panel of experts struggled to clarify this term and the urgency of their position.

Citing the 1 million people who have signed a pro-Net neutrality petition at SavetheInternet.com, Ben Scott, the policy director of the media analysis firm Free Press, rejected McCurry's opinion that regulation would be pre-emptive and would not favor consumer interest.

"This is not some tiny interest group trying to protect their fiefdom," Scott said. "This is the public."

Danny Weitzner, a principle research scientist at the Massachusetts Institute of Technology's computer science and artificial-intelligence lab, argued that Net neutrality is vital to the freedom of the online medium.

"The Internet has become just an extraordinary platform for people to meet and exchange ideas," he said. "This is only because the Internet allows anyone for a very small or no investment to put their ideas out there. This is because the person out there doesn't have to worry that their blog is only visible on Google."

His comments hit on yet another definition dispute between both sides. Misener and his supporters view regulation as necessary to protecting consumer freedom, while McCurry and others think the ultimate freedom is to allow the Internet and the market to run their natural course.

"What makes the Internet magic that it is is that it is a system of mutual self-interest and consensus," added Scott Cleland, founder and president of the communications research and consulting firm Precursor LLC.

"Why would anyone oppose light regulation?" Cleland followed rhetorically. "Because it's coercive, it's anti-investment, it will kill the goose that laid the golden egg, and it's backward-thinking."