

# Law professor warns the FCC about ceding too much control to large Internet providers

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Net neutrality—the notion that everyone has a right to equal access to the Internet—should be a bedrock principle of life on the web, Larry Lessig, law professor and Internet advocate, told the Federal Communications Commission (FCC) on Thursday, as the FCC's five commissioners took the stage at Dinkelspiel Auditorium for a daylong public hearing.

In fact, Lessig said, net neutrality should be to the Internet what the First Amendment is to the U.S. Constitution.

The FCC hearing at Stanford was a follow-up to one held at Harvard in February. That hearing drew wide attention after Comcast, one of the nation's largest Internet service providers, admitted that it hired people to fill seats, a move that prevented some members of the public from attending.

Comcast was under scrutiny for interrupting the net traffic of users of BitTorrent, a peer-to-peer file-sharing program that consumes large chunks of Internet bandwidth. Comcast first denied the tactics, then said they were intended only to reduce traffic on its networks. Critics charged that the company in essence attacked a method of movie and video distribution that competes with Comcast's own business plans.

Comcast was invited to appear at the Stanford hearing, along with major Internet service providers Verizon and AT&T, but all declined, according to the FCC.

Lessig is the founder and director of Stanford Law School's Center for Internet and Society. He is on the board of FreePress, an organization that filed a complaint with the FCC about the Comcast/BitTorrent episode.

At Thursday's hearing, he warned the FCC commissioners of the dangers of letting control of the web slip into the hands of giant cable and phone companies, which together provide more than 90 percent of U.S. residential Internet connections. He quoted Adam Smith, the 18th-century champion of capitalism, who declared that any gathering of the producers of goods would end in a conspiracy against the public.

Lessig dismissed the suggestion that the big companies be left to regulate themselves. It is not a matter of trust, he argued, but of the basic nature of companies that exist to provide economic gain for their owners. "A tiger has a nature. That nature is not one you trust with your child," he said. Likewise, a company cannot be trusted to follow good public policy, he said.

As an example, he noted that on a list of countries with the highest per capita of broadband connections, the United States fails even to make the top 10.

Lessig suggested the U.S. electric grid as a model of an open network. It's available to everyone, and when you plug in your television, the grid doesn't care whether it's a Sony or a Panasonic.

Lessig ended by pointing out that the FCC, an agency with enforcement and regulatory powers, still doesn't know the details of what Comcast was doing or may still be doing to interrupt the service of some users. "The most outrageous thing is that you can't find out what the facts are," he told the commissioners.

Source: Stanford University

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