

Q&A: Some things to know about Internet open-access proposal

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After being swamped with heated opinions on both sides of the issue, Federal Communications Commission Chairman Tom Wheeler has finally [released a proposal to overhaul Internet regulation](#) in an effort to ensure everyone has equal access to all legal content available online.

Wheeler believes this principal of fairness, known as "[net neutrality](#)," can be best protected by thrusting Internet service providers under some of the same rules that have applied to telephone companies for more than 80 years. That's an approach favored by most Internet companies, but fiercely opposed by high-speed [service providers](#) such as Comcast, Verizon and AT&T. Those companies have poured billions of dollars into building their networks during the past 15 years and insist that regulations will hinder future investments.

Here's a few things to know about the divisive proposal that the FCC's five commissioners are scheduled to vote on Feb. 26:

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Q. What is net neutrality?

A. Net neutrality is the idea that Internet providers should not move some content faster than others or enter into paid agreements with companies such as Netflix to prioritize their data.

Broadband providers have questioned the fairness of this approach. They

have invested heavily in a sophisticated infrastructure and question whether the government should be telling them how to run their networks and package services.

But what if the major cable companies that provide much of the nation's broadband had free rein to load some files faster than others? It is easy to imagine scenarios where these providers might favor content produced by their affiliates or start charging "tolls" to move data. Consumers naturally would gravitate toward faster sites and services that pay those fees, while smaller startups or nonprofits get shut out.

Q. Wasn't all this debated years ago?

A. The FCC had used the 1996 Telecommunications Act, which was intended to encourage competition in the telephone and cable industry, to enforce "open Internet" rules. However, a federal appeals court knocked down that approach.

President Barack Obama and consumer advocates say a better tack would be to apply Title II of the 1934 Communications Act. That law, written with radio, telegraph and phone service in mind, prohibits companies from charging unreasonable rates or threatening access to services that are critical to society. That's what Wheeler proposed Wednesday.

Unlike the 2010 rules that were struck down by the courts, Wheeler's proposal doesn't exempt wireless carriers from these open-access requirements. That's important given that cellphones are becoming the primary way for many people to access the Internet.

Q. What will this mean for cellphones?

A. If the rules are adopted, carriers would still be allowed to engage in "reasonable network management." That means carriers might be able to slow down heavy users when there is network congestion. But broader throttling wouldn't be permitted. AT&T is the only major carrier still doing that with some phones on unlimited plans, but the company already plans to switch to a congestion-based policy later this year.

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