

# How a Trump administration could shape the internet

December 2 2016, by Tali Arbel

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In this Dec. 3, 2009, file photo, a sign outside the Comcast Center is seen in Philadelphia. Under a President Donald Trump, cable and phone companies could gain new power to influence what you do and what you watch online, not to mention how much privacy you have while you're at it. During the campaign, Trump spoke out several times against media giants and that he might look at breaking up Comcast and NBCUniversal. But some analysts think that with Republicans in charge of agencies like the Federal Communications Commission and the Department of Justice, mergers are more likely to sail through. (AP Photo/Matt Rourke, File)

Under a President Donald Trump, cable and phone companies could gain new power to influence what you do and what you watch online—not to mention how much privacy you have while you're at it.

Republicans who generally oppose regulation seem likely to take charge at the Federal Communications Commission, the government's primary telecom regulator. That alone could mean the end of rules designed to protect privacy and individual choice on the internet. Those rules were enacted over the past several years under the Obama administration.

Under Trump, "the FCC will be a lot more focused on getting government out of the way," said Berin Szoka, president of TechFreedom, a think tank that opposes much regulation. Phone and cable companies routinely protest that regulation lead them to invest less in their networks, harming their ability to deliver better service.

Deregulation raises concerns for consumer advocates—not just in terms of rolling back rules, but also potentially allowing more huge mergers, which several analysts expect despite Trump's campaign swipes at big media . Under the coming administration, a laxer FCC could result in even higher cable and internet bills, worse customer service and fewer choices, says Harold Feld, senior vice president at public-interest group Public Knowledge.

Of course, it's difficult to know exactly what to expect, given Trump's aversion to policy specifics and frequent reversals during the campaign. Representatives for Trump's transition team didn't reply to requests for comment.

## NET NEUTRALITY

One possible first target: Rules that aim to protect individual choice and innovation on the internet.

Suppose that firing up Netflix or YouTube led only to delays and stuttering playback that still counted against the limited data in your broadband plan—a sharp contrast to the speedy video app offered by your phone or cable company, which incurs no data costs. That's one scenario the Obama-era FCC sought to ward off with "net neutrality" regulation that requires internet providers to treat all data traffic equally on their networks, as the internet has historically worked.



In this March 17, 2015, file photo, Federal Communications Commission Chairman Tom Wheeler testifies before the House Oversight and Government Reform Committee hearing on net neutrality, on Capitol Hill in Washington. Under a President Donald Trump, cable and phone companies could gain new power to influence what you do and what you watch online, not to mention how much privacy you have while you're at it. Many experts say that Republicans who generally oppose regulation are likely to take charge at the FCC, the government's primary telecom regulator. (AP Photo/Lauren Victoria Burke, File)

Without net neutrality, your access to many popular services might be degraded by your local cable or phone company. Startups could have trouble delivering new video or virtual-reality services. Companies that provide internet service could find it easier to push their own options instead.

The net-neutrality rules are popular, so they're not likely to completely disappear under Trump. But the FCC might well be more restrained in enforcing them.

Internet providers could use subtle tactics and behind-the-scenes maneuvers to change people's behavior and make more money, suggested Matt Wood, policy director at the public-interest group Free Press. Consumers might eventually find that they have fewer services to choose from online, or that using them is more difficult or expensive.

## PRIVACY, OPENNESS AND INTERNET ACCESS

If the Trump FCC whacks away at existing regulations, cable and phone companies are going to find it a lot easier to mine your browsing habits and other information for data they can use to target ads at you.

Verizon, for example, is eager to build a digital-ad business to compete with Google and Facebook. But recent privacy rules force them to ask customers for permission before using their data. Those companies have made no secret of their dislike for this requirement.

The FCC's effort to "open up" the cable box in ways designed to give you more options for hooking up TVs and streaming gadgets to cable service is likely dead. Its effort to subsidize internet for low-income people may face budget cuts, although cable companies do offer separate cheap internet options for low-income people.

## MERGERS



This Oct. 17, 2012, file photo shows an AT&T logo on an AT&T Wireless retail store front in Philadelphia. Under a President Donald Trump, cable and phone companies could gain new power to influence what you do and what you watch online, not to mention how much privacy you have while you're at it. During the campaign, Trump spoke out several times against media giants, in particular when he said he'd reject AT&T's \$85.4 billion acquisition of Time Warner and that he might look at breaking up Comcast and NBCUniversal. But some analysts think that with Republicans in charge of agencies like the Federal Communications Commission and the Department of Justice, mergers are more likely to sail through. (AP Photo/Matt Rourke, File)

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The new administration might make it easier for AT&T to buy Time Warner and reserve some of the conglomerate's TV programs and films for its own subscribers, said MoffettNathanson analyst Craig Moffett. Analysts had expected regulators to impose consumer-protection conditions on the merger if it's approved. But under the Trump administration, AT&T might remain free to hold back new episodes of "Game of Thrones" for a few weeks—or maybe even everything on HBO—unless you're an AT&T cellphone or home internet customer, he said.

If so, Verizon or Charter might go shopping for their own entertainment conglomerates to compete for customers. That could create a world in which the TV you watch would be heavily influenced by the company that supplies your internet service.

## AND A BIG WILDCARD

But Trump's FCC could also do something unexpected. Public Knowledge's Feld, for instance, worries that the administration could harness the FCC's existing tools to police media companies and limit freedom of the press.

For instance, the FCC could threaten to condition renewal of broadcast licenses on how news programs cover the administration, said Floyd Abrams, a longtime First Amendment lawyer. The agency could threaten to go after a company like Comcast, which owns NBC and MSNBC, for a net neutrality violation on its cable side to try to pressure coverage.

"The FCC has so much authority over policies which have an enormous

and direct impact financially" on the industry, Abrams said. "Even an informal nudge in one direction or another, informal pressure of one sort or another, can have major impact."

Of course, such action could bring Trump into conflict with the GOP Congress, which generally favors limits on FCC power. But there's no way to know how that would play out at this stage.

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