

Decision by US federal agency opens way to two-tier Internet

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In a 3-2 vote last week, the Federal Communications Commission (FCC) approved proposals that will open the way to a two-tier Internet. The move would allow companies to pay broadband providers to speed up delivery of their data to customers, prioritizing this content over other traffic.

The decision, which will be followed by four months of public comment before final rules are issued, is a fundamental attack on “net neutrality”—the principle that all Internet traffic should be treated the same.

FCC Chairman Tom Wheeler, appointed by President Obama last year, cynically asserted the federal agency’s commitment to “one Internet. Not a fast internet, not a slow internet, *one* Internet.” White House Spokesman Jay Carney also reiterated the administration’s formal commitment to “net neutrality.” However, the new proposals are aimed precisely at abolishing this principle.

The 100-page “Notice of Proposed Rulemaking” adopted Thursday consists largely of a re-hash of the 2010 Open Internet Order, with legal amendments to satisfy recent court rulings. In particular, in January of this year the DC Circuit Court ruled in favor of Verizon and struck down “anti-blocking” and “anti-discrimination” rules contained in the 2010 order, claiming that the FCC had overstepped its authority.

The new section of the proposals dealing with the “No-Blocking Rule” states that the 2010 rule “does not preclude broadband providers from negotiating individualized, differentiated arrangements... so long as broadband providers do not degrade lawful content or service below a minimum level of access.”

In other words, the new rules specifically allow for arrangements between Internet providers and other companies to provide high-speed access for companies that pay for the privilege, while the majority get by

with a yet-to-be specified “minimum level of access”—i.e., a two-lane Internet.

The new wording enshrines what had already become a reality when Netflix announced in February that it had paid Comcast an undisclosed sum to create a direct link between their respective networks, thus ensuring priority network access for Netflix video streams.

Comcast Vice President and Chief Diversity Officer Davie Cohen, responding to Thursday’s decision in a blog post, wrote that the company “remains committed to a free and open Internet and working with the FCC on appropriate rules for all players across the industry.” Cohen drew attention to the fact that due to conditions accompanying its acquisition of Time Warner Cable, Comcast is currently the only company in America that is legally bound by the FCC’s Open Internet rules that were vacated by the January 2014 court ruling. This fact, however, has not prompted the FCC to intervene against its deal with Netflix.

Democrats Mignon Clyburn and Jessica Rosenworcel voted for the proposal drawn up by Wheeler. Rosenworcel said she “would have done this differently,” by allowing more time to “respond to the tide of public commentary” that followed Wheeler’s proposals.

Republicans Ajit Pai and Michael O’Reilly voted against the proposals and made dissenting statements. The position of Republican critics is that *any regulation* of telecommunications companies should be opposed. Both parties support the domination over the Internet by gigantic corporations operating on the basis of profit.

Pai drew attention to the remarks of Google’s former CEO that “The Internet is the first thing that humanity has built that humanity doesn’t understand,” in order to say, “If that is so, every American who cares about the

future of the Internet should be wary about five unelected officials deciding its fate.” Rather, Pai argues, the FCC should have turned to Congress. “Our two prior attempts to go it alone ended in court defeats. Even with the newfangled tools the FCC will try to pull out of its legal grab-bag, I am skeptical that the third time will be the charm.”

O’Reilly argued, “Congress never intended section 706 (of the Communication Act of 1996) to be an affirmative grant of authority to the Commission to regulate the Internet. At most, it could be used to trigger *deregulation*.” [Original emphasis]. Both Pai and O’Reilly opposed any notion of bringing the broadband companies under Title II of the Communications Act.

In the run-up to the FCC ruling, more than 100 technology companies signed a letter taking issue with Wheeler’s proposed rules allowing broadband providers to charge content providers for faster delivery. One notable exception was Apple. The *Wall Street Journal*’s Daisuke Wakabayashi speculated that the reason could be linked to a March report that Apple and Comcast are in talks for a streaming television server that would use an Apple set-top box and get special treatment on Comcast’s cables.

Besides the tech giants, who have their own business reasons for being wary of the proposals, tens of thousands of ordinary people are opposed to what amounts to an abandonment of any even nominal commitment to net neutrality—which Obama paid lip-service to in his 2008 presidential campaign.

An online petition to restore net neutrality, calling for the classification of Internet Providers as “common carriers” along with other utilities, has received more than 105,000 signatures since it was created January 15 this year. Dozens of people camped outside FCC headquarters, and the opening proceedings were repeatedly interrupted by protesters.

The White House has remained silent on the recent FCC proposals, which are being pushed by fellow Democrats and Obama’s own appointee. Prior to being appointed to head the independent federal agency, Wheeler was a venture capitalist and lobbyist for the telecommunications industry.

In a 2010 article entitled “Why the FCC can’t protect net neutrality,” the WSWS warned that the FCC “as an integral part of a political system geared towards the

defense of big business and the financial elite” is incapable of defending Internet freedom. The May 15 endorsement of the proposed new rules confirms this.

The FCC decision marks a significant step in the efforts by corporations, working closely with the government, to establish greater control over the content of the Internet. This is aimed not only at boosting corporate profits, but also at undermining the freedom of the Internet. As the revelations of NSA whistleblower Edward Snowden make clear, the government is committed to controlling Internet traffic as part of efforts to monitor the political activities and communications of the population as a whole.

The Internet is a basic utility, a necessity for modern life, just like electricity, gas or water. Yet these too are subject to the dictates of the profit system and can only be secured through a struggle for the social rights of the working class. The defense of the Internet as a free and democratic platform can only be conducted independently of both big business parties through the mobilization of the working class on a socialist program.



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