

The Struggle Over Internet Regulation

By Chris Bonk

Last December the Federal Communications Commission (FCC) proposed new rules regarding net neutrality, intending to "provide greater clarity and certainty regarding the continued freedom and openness of the Internet." The FCC's order boldly states that the enclosed rules, "will empower and protect consumers and innovators while helping ensure that the Internet continues to flourish," but they also take an immediate stand against the "gatekeepers" who control access and rights online.

Verizon and Metro PCS were none too pleased. For major communications companies, such a "gatekeeper" position can be incredibly lucrative. From the start, both companies made clear their intention to intervene and block these new rules. They attempted this when the December 2010 rules were first announced, but initial legal efforts were dismissed by the court this past April because such suits may only be filed after the rules and regulations in question are officially published in the *Federal Register*. Since then Verizon has re-entered the legal arena, calling the rules "potentially sweeping and unneeded regulations on broadband networks and services and on the Internet itself."

Interestingly, the big opponents of FCC intervention aren't the only ones taking legal action to impact the new rules. Free Press, a strong net neutrality supporter, beat the communications companies in filing a lawsuit against the FCC this past September. While Verizon is concerned at the harsh words directed towards internet providers, Free Press feels that the FCC's suggested rules are "arbitrary and capricious," as stated in their petition to the court. This accusation stems from the new rules' separation of wired internet access and mobile services, with fewer restrictions on mobile internet providers.

The debate also rages in Congress, split down party lines. Democrats worry that the rules do not go far enough in curbing the power of internet providers over consumers. Republicans, on the other hand, are wary of a powerful FCC exercising elevated regulatory powers and have promised to overturn the rules through legislation.

Some Republicans, while displeased, are not particularly concerned for the future; the FCC Commissioners who oppose the rules predict that even if they take hold on November 20th as scheduled, the rules will eventually be overturned by the courts. For most, however, the ultimate outcome of these actions against the FCC's rules is currently uncertain, though the next stage in the struggle for internet freedom will likely emerge in the coming months.

Sources

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