

THE BROOKINGS INSTITUTION
5 on 45: On net neutrality's day of action
July 13, 2017

CONTRIBUTORS:

ADRIANNA PITA

NICOL TURNER-LEE

Fellow – Governance Studies, Center for Technology Innovation

(MUSIC)

PITA: You're listening to 5 on 45 from the Brookings Podcast Network, analysis and commentary from Brookings experts on today's news regarding the Trump administration.

TURNER-LEE: I'm Nicol Turner-Lee, fellow at the Center for Technology Innovation in governance studies. So yesterday marked the launch of the first massive online protest in support of the current net neutrality rules, coined the 'day of action'. There were hundreds of content creators ranging from Google to Facebook to Amazon to Expedia to Creative Commons to Netflix to Spotify. All of the Web sites that we have come to know and love participated to demonstrate their support of the current net neutrality rules. For those of you that do not know what net neutrality means, it essentially points to the fact of original principle coined many years ago by a professor by the name of Tim Wu, where all content would be created equal and treated equally over the Internet. And the interesting thing about yesterday was this mobilization to save the internet quote unquote really brought together consumers around an issue of First Amendment rights and their ability to not be in an Internet that provides fast and slow lanes. That's what happened yesterday. But this has been an ongoing debate for many, many years as to how do we actually again treat the Internet as it grows and it becomes a major factor in our society. The Internet as we know it today is not what it looked like 10 years ago. Pretty soon the smartphone will just become a short, pre-teen 10 years old. And so the question for all of us becomes what kind of internet do we want to see in the United States of America. And that is why I think the passion that we saw emblazoned

among that campaign the day of action was very critical. What does that look like for all of us?

You know clearly we do not live in a nation where we have censorship as other countries have demonstrated when it comes to the type of content that can right over the web. I like to say that even pornhub participated in yesterday's day of action, saying that there is nothing like slow porn that ruins the experience, as strong supporters of net neutrality. But on the other side, when you take a look at all of those companies that participated it raised the flag as to whether or not the Internet will have the capacity needed to accommodate all of this growing demand. Interestingly enough this debate has been an 'us versus them' framework. On the one side were the actors that showed up yesterday, on the other side are the broadband service providers who provide the pathway for all of these other companies to survive and to exist. AT&T, Verizon, Comcast. Ironically they also joined the day of action yesterday to say hey we all support net neutrality too because clearly their business model is dependent upon these content producers. But at the same token where the debate breaks down is around the legal framework for how you enforce it. The challenge of net neutrality today, my friends, is really an issue of legal jurisdiction.

The communications act of 1934 primarily looked at telephone monopolies as the way to regulate communications services. Back then for many of us who remember that was the telephone today for many of us who are learning that's the Internet and that legal framework really sits at the core of the net neutrality debate. When the FCC chose to do something that was pretty major and supported by the courts, which was to reclassify broadband service providers as title II providers, and some of you may have heard that, what they were

essentially doing was applying common carriage rules that apply to formerly monopolistic telephone companies to broadband service providers that were no longer just the pipe producers but they also are very codependent with these other companies that participated yesterday. Moving forward, we're going to continue to see a lot of clash because on the other side of the day of action is if Title 2 stays in place, companies like Verizon, Comcast, AT&T and others will not be able to invest the resources as they've shared into the infrastructure that actually rides many of those services. So I say to all of us as we look at this net neutrality debate, clearly there is no one that doesn't want to see an Internet that is untethered from rules and obstructions of getting to the content that we all have known to come and love. But at the same token we need to have parity and we need to look at how the communications infrastructure has changed and understand that other part of the argument. And potentially we're actually talking to the wrong people we need to be talking to Congress to move forward with legislation so that we can get beyond some of the complications.

(MUSIC)

PITA: If you've been listening to 5 on 45 and like what you're hearing, please take a minute to review us on iTunes and don't forget to follow us and the rest of the Brookings Podcast Network on Twitter @policypodcasts.