11/30/17

Paris

To the Federal Communications Commission

Dear Members of the Commission,

Since its inception, the Internet has strived to be an open and free platform to exchange information and ideas amongst its users. The founder of the Internet, Tim Berners-Lee, famously tweeted in 2012, “This is for everyone” underscoring the essence of his work. His vision has been the one of an empowering tool for citizens around the world, and he made his invention available to everybody, rather than trying to achieve an economic benefit out of his work.

The seminal decision taken by the Commission in 2015 enshrined that spirit into law. Confronted with different Internet Service Providers that stymied and otherwise slowed access to competing services on the net, the Commission managed to create a comprehensive regulatory framework to tackle anticompetitive behavior. That decision had become necessary after the Commission itself faced challenges in court by an ISP. In particular, Verizon had managed to successfully restrain users’ access to Netflix in the early 2010. After the Commission called for the provider to halt its uncompetitive behavior, Verizon challenged the Commission itself. In fact, until 2015 the regulatory framework was not solid enough to give the Commission the tools it needed to ensure net neutrality. The 2015 ruling upheld net neutrality under Title II and strictly enforced it.

However, the Commission will rule on the 14th December to repeal its 2015 decision and deregulate SIPs actions. The 14th December voting is set to be skewed by partisanship rather that pragmatism. In particular, the head of the FCC Ajit Pai should not have hijacked the issue of net neutrality along political lines.

A strict enforcement of net neutrality is the only means to ensure that the ingenuity of the Internet is preserved. The Internet has become essential to our democracies, both because of the information it delivers and the collective intelligence it allows to leverage. On the one hand, free access to information and different media sources is necessary to maintain a democratic debate and foster new ideas. A slower or faster broadband access to some places in the internet is worrying as it sets a very dangerous precedent to effectively ostracize certain searches on the net. That will hamper civil society’s ability to access information and independently think.

On the other hand, the Net has propelled breakthrough innovations. Some of them are of such ample use that they have changed the role and scope of states themselves. The role of the state is progressively becoming the one of the enabler and convener of new ideas. In particular, the state is increasingly allowing its datasets to be public, so that individuals citizens and companies can leverages the possibilities offered by new digital tools. In the United States, for example, data collected by the State has been leveraged by individuals and private entities to better predict the event of tornados. France, also, has made the recent decision to centralize its data and make it available on the website data.gouv.fr. Civic technologies especially direct users to allow themselves of those data to build open source software that will benefit society at large.

All these gains are rooted in free access to the Internet and build on Tim Berners-Lee’s vision. A stymied assess to the it, on the contrary, simply goes the opposite direction. Whatever gains will be made by Service Internet Providers like Verizon, those will be at the expense of innovation, democracy and consumers. The argument that the market self regulates itself in case of SIPs’ abuse of power is utterly false. In fact, a handful of providers hold a quasi-oligopoly on internet access. Charter, Comcast, AT&T and Verizon detain a de-facto monopoly. Moreover, in many areas in the States, only one or two of those providers are accessible. Thus, the true choice in the (likely) case of an abuse of power is between that provider or no internet access at all. If the regulations had to be rolled back on December 14th, the digital divide between those who can access free information and those who cannot afford it will only become wider.

Also untrue is that the current set of regulations posits a burden to those companies and therefore stymies improvements on the service. On the contrary, it should be appreciated that a clear and firm hold on the current regulation may stop the enormous amount of resources that are spent on behalf of SIPs on lobbying to end net neutrality. In the last few years, for example, Comcast also has spent tens of millions of dollars annually on lobbying. Those jaw-dropping amounts would have been better used in investments on infrastructure if indeed the giant in telecom wanted to improve its services.

Unfortunately, the Internet is less and less a free open platform, and entry points and veto players have multiplied themselves since years. One of the arguments of service internet providers is that search engines like Google do have a power to redirect users towards their preferred channels, and the same advantages should be benefitted by those providers. However, that argument is delusive. In fact, Google has just been fined 2.7 billion $ by the European commission for uncompetitive behavior, once it started displaying its shopping options before those of competitors. When it comes to the web, the answer to the unbalanced power that some entities have is more regulation and enforcement, not more deregulation.

To reimagine a metaphor once employed by Axelle Lemaire, we should compare limits to the internet to a library. The books available in that library may even be well written, empowering books, but they are the chosen amongst many others by a librarian. The effective censorship of the librarian should not be underestimated, and we should strive for complete and free access to the internet.

I hereby reiterate my call for upholding the regulatory framework decision established in 2015.

Kind regards,

Pietro Desideri