The following news report and the commentary which I strongly agree with below are courtesy of consumer rights group Public Knowledge from Tuesday Nov 10th, 2015. See the original blog posting at https://www.publicknowledge.org/press-release/t-mobiles-latest-zero-rating-plan-could-have-negative-competitive-implications Regulators need to seriously consider the ill effects of zero rating schemes by different companies whether wireless carriers or cable companies with the supposed gains. This includes determining if Charter is conducting such zero rating or Time Warner Cable is with respect to their merger.

Today, T-Mobile announced a plan to exempt certain services from metering on its wireless plans. This follows its similar program for music services.

The following statement can be attributed to John Bergmayer, Senior Staff Attorney at Public Knowledge:

"T-Mobile should consider ways to offer customers more value in ways that do not have the competitive implications of its zero-rating efforts to date, including today's “Binge On” announcement. For example, it could put the choice of which services to zero-rate in customers' hands, not its own, or explore ways to allow customers to freely stream lower-quality media regardless of its source. Under its current model, customers might choose to use a service simply because it doesn't count towards their data plans, rather on its merits.

"Turning the mobile Internet into a carrier-controlled walled garden is ultimately a bad idea for consumers, for all online services (even those included in T-Mobile's zero-rating today), and for the wireless industry as a whole. In the name of competing with AT&T, Verizon, and Sprint, T-Mobile should not not take steps that could have such troubling competitive implications."

T-Mobile's Binge On offering like its Music Freedom program harm Network Neutrality and the Open Internet contrary to their CEO's statements. The New York Times also has a good article on the matter I am re-posting below for regulatory review:

T-Mobile Video Plan Could Test F.C.C.'s New Net Neutrality Rules

By CECILIA KANGNOV. 11, 2015

A new plan from T-Mobile USA to allow unlimited streaming of some video services may become the first test of the federal government's rules to prevent favoritism on the Internet.

On Tuesday, T-Mobile, the nation's third-largest wireless carrier, said customers could stream as many videos as they want —

regardless of their data plan limits — from more than two dozen video providers, including Hulu and Netflix.

Many customers cheered the announcement. But supporters of new net neutrality rules, which are meant to prevent one content provider getting preferential treatment over another, quickly warned that the plan could set a dangerous precedent. They urged the Federal Communications Commission, which passed the rules this year after acrimonious debate, to consider taking up the issue.

“Net neutrality doesn’t allow Internet service providers to pick winners and losers, and if we look at T-Mobile’s plan as it is now, it will clearly distort the market for video streaming,” Barbara van Schewick, a law professor at Stanford University and a proponent of the new rules, said on Wednesday.

The rules are expected to face fierce opposition in the courts. But the T-Mobile plan may offer the first real look at how the F.C.C. plans to enforce them.

The new rules leave open the possibility for wireless carriers to offer services that do not count against their data limits — a practice known as “zero rating.” The F.C.C. has said that was intentional, to encourage Internet service providers to experiment with new business models.

However, the F.C.C. has also warned that it will investigate zero rating of data caps that appeared to harm consumers and hamper competition — leaving it somewhat vague where it would step in.

“The open Internet order indicated that the commission would take a case-by-case approach to such plans,” an F.C.C. spokeswoman said.

T-Mobile seems to present the agency with particularly thorny questions about competition. While the company is the third-largest wireless carrier, it still greatly lags the top two, Verizon and AT&T. T-Mobile has been aggressive about trying to win over customers, lowering prices and offering flexible plans, which have helped shake up the industry.

T-Mobile said its new plan did not play favorites. Any video provider can join the program after meeting certain technical requirements, such as inserting code that allows T-Mobile to identify streaming video traffic from other data.

“We aren’t getting paid anything by video providers, and it’s open for all,” said Kathleen Ham, T-Mobile’s senior vice president of federal regulatory affairs. “It fits within the guardrails provided in net neutrality rules.”

Still, an offer of unlimited streaming of some — but not all — video services, could ultimately harm customers, Professor van Schewick said.

Start-ups and nonprofits without the resources of large companies like Netflix, she said, will not necessarily have the resources to meet the technical requirements. And studies show that when zero rating plans are offered, consumers overwhelmingly choose those services, she said.

Another concern is that T-Mobile’s plan could open the gates for others to follow.