

Comments on the FCC Open Internet NPRM Docket # 09-191

Unintended Consequences: Balkanizing the Internet

The big missing part of the policy debate over how to best ensure continuation of an open Internet, i.e. through existing policy or the FCC's [proposed](#) preemptive regulations, is **what makes the Internet universal?**

The Internet is near universal because it is entirely *voluntary*. All of the Internet's signature elements are voluntary, not mandated by government(s).

- *Internet protocol (IP)* is a networking protocol that became universal precisely because it offered the ability for everyone to communicate in basically the same "language." No one was required to use/adopt IP;" people *voluntarily* adopted it because it was better and offered the most universal networking opportunity. Moreover, the Internet Engineering Task Force ([IETF](#)), whose "*mission is to make the Internet work better,*" has is an entirely voluntary collaborative process that functions outside of any government(s) control.
- *The Domain Name System (DNS)*, essentially the Internet's address system, rapidly became universal precisely because people *voluntarily* recognized its essential value and adopted it. No country owns, controls or approves Internet's addresses; its a voluntary market process.
- *The world wide web (WWW)* became the third *voluntary* leg of Internet universality, because it offered a universal application to enable people to get to and display most any kind of Internet content available.

In describing the Internet, the FCC's own broadband policy [statement](#) says: "**No single entity controls the Internet; rather it is a 'worldwide mesh of hundreds of thousands of networks, owned and operated by hundreds of thousands of people.'**" [Bold emphasis added.] [footnote 1]

The current open Internet policy trajectory was originally established by the Clinton Administration, with strong bipartisan support. President

Clinton said: "*For electronic commerce to flourish, the private sector must continue to lead. Innovation, expanded services, broader participation, and lower prices will arise in a market-driven arena, not an environment that operates as a regulated industry.*"

- The fact that *most* governments around the world have followed the U.S. lead and not tried to control, dictate or micromanage the Internet via preemptive national regulation has enabled the Internet to become the highly open and nearly universal "network of networks" that it is today.

Given that the FCC's proposed Open Internet [NPRM](#) would change current "market-driven" Internet policy to a new more FCC/regulation-driven Internet policy -- **what effect or unintended consequences could this FCC policy change have on the universality of the Internet?**

First, rather than having most of the world's 200+ governments following the U.S. current example, i.e. not regulating their national component of the Internet and reinforcing the Internet's universality, the FCC's new preemptive regulation policy based on scant evidence and thin justification, would set an entirely different and new leadership example for countries around the world, i.e. to assertively put their own national and political stamp on Internet policy.

- Unfortunately, setting a new U.S. example that it is OK and better to regulate their component of the Internet than keeping it more market-driven, emboldens national interests and local politics around the world to take a more command and control approach to Internet policy.

Second, a new FCC example of a more national-oriented Internet policy, could trigger a *de-globalization* Internet trend where the centrality of Internet universality takes a back seat to more nationalistic and local passions of the moment. Simply, the new U.S. example of politicizing Internet policy in order to justify a more government-centered Internet policy, could trigger more politicization of Internet policy around the world.

Third, because the old adage is true that all politics are local, more politicized Internet policymaking around the world could encourage and

justify a return to **protectionism in the Internet space** under the guise of an "open Internet."

- Since the FCC's proposed open Internet policy effectively picks U.S. broadband network providers as losers and the American netopolies of Google and eBay-Skype as winners, other nations will be encouraged to update their Internet policies to advantage their own "national champions" and to disadvantage American companies. Once unleashed, protectionism can be very hard to contain.

Fourth, since the U.S. has been the world leader over the last two decades in fostering an open Internet free of government interference and micromanagement, the FCC's current proposal to preemptively regulate the Internet for the first time risks triggering a "domino effect" of new Internet regulation around the world, as other countries mimic the thin new U.S. justification for regulation and implement whatever preemptive Internet controls they desire by claiming a new concern about a new potential problem that they alone foresee.

In short, those who are politicizing Internet policy in order to justify new preemptive regulation of Internet access, are unwittingly putting in motion the unintended consequence of **balkanizing Internet policy and balkanizing the Internet itself.**

- At core, the new and 180-degree different example that the FCC's proposed open Internet [NPRM](#) would represent to the rest of the world, would encourage political balkanization of the Internet and undermine its universality.
- The ultimate irony is that the supposed push to ensure an open Internet via a U.S. policy edict, would very likely result in the exact opposite: a balkanized less universal Internet.
- Common sense and experience tell us that trying to "fix" something by hitting it hard, often can shatter it into pieces.

Respectfully submitted,

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