

FCC Proposal for a Payola Internet Would End Net Neutrality

WASHINGTON — The *Wall Street Journal* reports that Federal Communications Commission Chairman Tom Wheeler will on Thursday propose a new set of rules issued in response to a January federal court decision that tossed out the agency's prior Open Internet rules.

The new rules would allow Internet service providers to charge an extra fee to content companies for preferential treatment, guaranteeing their content reaches end users ahead of those that do not pay. The rules are now circulating among the FCC commissioners and are expected to be voted on at the next FCC public meeting on May 15.

Free Press President and CEO **Craig Aaron** made the following statement:

"With this proposal, the FCC is aiding and abetting the largest ISPs in their efforts to destroy the open Internet. Giving ISPs the green light to implement pay-for-priority schemes will be a disaster for startups, nonprofits and everyday Internet users who cannot afford these unnecessary tolls. These users will all be pushed onto the Internet dirt road, while deep pocketed Internet companies enjoy the benefits of the newly created fast lanes.

"This is not Net Neutrality. It's an insult to those who care about preserving the open Internet to pretend otherwise. The FCC had an opportunity to reverse its failures and pursue real Net Neutrality by reclassifying broadband under the law. Instead, in a moment of political cowardice and extreme shortsightedness, it has chosen this convoluted path that won't protect Internet users.

"This approach is almost certain to be rejected by the courts. Contrary to statements by Chairman Wheeler, the court did not invite the FCC to pursue this path. The court clearly told the FCC that if it wishes to ensure Internet users can send and receive information free from ISP interference, then the FCC has to classify ISPs as telecom carriers under Title II of the Communications Act.

"The FCC apparently doesn't realize the dangerous incentives these rules would create. The routing of data on the Internet is a zero-sum game. Unless there is

continual congestion, no website would pay for priority treatment. This means the FCC's proposed rules will actually produce a strong incentive for ISPs to create congestion through artificial scarcity. Not only would this outcome run counter to the FCC's broader goals, it actually undermines the so-called Section 706 legal basis for these rules.

"This proposal is short-sighted and should be strenuously opposed by the broader Internet community — including millions of Americans who have urged Chairman Wheeler and his predecessors to safeguard the open Internet. The only parties cheering this idea on will be the largest ISPs who stand to profit from discrimination. We urge Chairman Wheeler's colleagues not to support this item as currently drafted and demand nothing less than real Net Neutrality."