

Clearly, the internet is a means of communication that rivals the telephone in its importance to our society and democracy. Thus, it would make sense to rule that ISPs are utilities. Why not officially categorize them as such and regulate them as such?

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Once a user has placed something on the internet through an ISP, then that item needs to be routed in the same manner as any other item on the internet. If you allow the the ISP to charge a fee for special handling, then you encourage that ISP to invest in the performance of this special handling route rather than investing in technology that helps all customers equally. This vital US infrastructure cannot be allowed to fall further behind the rest of the world.

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Perhaps even worse, the ISP can just prioritize the packets of the higher paying customers rather than treating every packet on a first come first serve basis.

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Market forces of competition might normally keep ISPs in check to prevent them from abusing their customers. However, the trend that the government anti-monopoly regulators seems to be to allow more unreasonable corporate concentration. You need to take this reality of the political environment into consideration when you consider how your ruling may interact with existing conditions.

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You cannot use the deregulation of the telecommunications industry as a guideline without also taking into account the monopolistic breakup of A T & T that occurred at the same time.