

June 2, 2014

I am writing to express my support for legislation to defend and maintain net neutrality.

ISPs (Internet Service Providers) have demonstrated interest in enacting tiered service models, by making consumers pay more to access some services, or preferring some services over others by giving priority to access of those services. Many of those lobbying against neutrality assert that the market regulates itself, so that net neutrality will remain the de facto position for ISPs. The argument goes as follows: if a provider treats data unfairly, then the consumer will drop them as not being useful and move to a different provider. The problem with this reasoning occurs in regions where only one ISP dominates, or where ISPs share the land with similar policies. Another position held by the opposition maintains that net neutrality is not desirable. For example, services that stream video like YouTube and Netflix, along with conferencing systems like VoIP and Skype, would supposedly benefit from being placed on a higher tier (and gaining higher quality of service) than a less demanding system such as email or casual web browsing. This reasoning fails due to an ignorance of how networks operate. In a normal (neutral) network, the higher-demand services send more packets and the lower-demand services send fewer, by definition. The neutral network, in treating all data equally, will expand proportionally to the traffic (paralleling the demand of the service), and so tiering is unnecessary. On the other hand, legislation that provides absolute nondiscrimination to enforce a free and open Internet becomes essential to ensure maximal utility and support the principles of the Internet.

History demonstrates that the market will not regulate itself toward a neutral ideal. In Susan P. Crawford's book *Captive Audience: The Telecom Industry and Monopoly Power in the New Gilded Age*, the author, a law professor and leading telecommunications policy expert, shows how a small handful of powerful media conglomerates have come to monopolize the telecommunications market, pointing to the 2011 merger of Comcast and NBC Universal. As the Gilded Age put the public at the mercy of Standard Oil, government today has allowed profit to come before the public interest for a few corporations, ultimately causing Internet in the United States to become, presently, unfair, as well as slow and expensive. This historical perspective shows that the government must impose regulations when a single force begins to dominate an entire industry. Otherwise, the force has no incentive to change, because the people have no choice. The presence of this monopoly debunks the myth of consumer choice, in the flawed notion that if an ISP failed to provide neutrality, the consumer would drop them. Consumers simply do not have such choices, as most regions are governed by a single media entity. Furthermore, because the entity, the regional ISP, knows that customers have no other choice, it has no motivation to provide cheaper or faster Internet, let alone a neutral architecture. Consequently, Crawford advocates neutrality based on a first-come-first-served model, where packets are forwarded in the order that they arrive. As demonstrated, the network will scale to the needs of the services, based on traffic. Because of how the market has historically played out in the United States, neutrality will not be achieved if left only to the ISPs. Therefore, legislation is crucial to support neutrality.

Perhaps the most powerful argument in favor of network neutrality is that it alone guarantees maximal utility. The Internet has become a powerful social and economic medium, today more than ever. At the end of 2012, Facebook hit 1 billion active users, and holiday e-commerce sales climbed to \$34 billion, the heaviest online shopping period on record. Socially, one finds the stakeholders in the net neutrality debate to be the public. A provider that violates neutrality by restricting access to some services would not be considered as useful to a consumer as a neutral provider. Therefore, neutrality promotes utility. Economically, the stakeholders are businesses. Small businesses and startups would suffer from a tiered service model, because larger businesses that can afford it would buy higher tiers, increasing their exposure as well as the price of the higher tiers. This harms the economy by stifling potential innovation, which a neutral Internet avoids by being free and open. The majority of stakeholders benefit from net neutrality, and so the model thrives under utilitarian and social contract theories.

Tiered service models violate the principles that guided the development of the Internet. Vinton Cerf, co-founder of the Internet Protocol and widely considered the father of the Internet, and Tim Berners-Lee, who created the web, support network neutrality as a core value. Cerf credits the open nature of the Internet in its “remarkable social impact and economic success”. Decentralization has offered innovations, as Cerf says, “from VOIP to 802.11x wi-fi to blogging”. The Internet was designed as an open medium, with Cerf and Kahn's internetworking principles including “minimalism, autonomy, best effort service model, stateless routers, and decentralized control”. These principles define the modern Internet architecture, and all speak out for network neutrality. Lee advocates regulation to preserve the basic values of the Internet, while also giving a clear definition of his idea of net neutrality: “If I pay to connect to the Net with a certain quality of service, and you pay to connect with that or greater quality of service, then we can communicate at that level.” Although his model is based on limited discrimination based on quality of service, which the market may abuse, the network remains accessible regardless of quality. Net neutrality is the default state of the Internet, but ISPs threaten it, and so regulation is required to save it.

The decision in the net neutrality debate will determine our technological future. Although the Internet would benefit from neutrality legislation, an ideal which will not be attained otherwise, the conglomerates that lobby against the legislation act as a powerful influence that will likely delay any action. After that, the social and economic impact of the network monopoly will push lawmakers to act, or else usher in a new generation of Internet—one that is slower, more expensive, and more unfair than ever.

I urge you to support neutrality and protect our future.

Thank you,
Elijah Houle

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