

TL;DR - There are numerous common-sense, logical and legal reasons why there should be no method for ISP's or network providers to block any legal use of the Internet. Even more, there is no reason beyond "we're greedy" that any ISP or backbone/network provider should be allowed to degrade the service for most of the users just so they can extract payments from companies that, legally and technically, are not their customers. (and yes, a "Fast Lane" is not "Fast" - it is normal service being provided while everyone that doesn't pay is only given a degraded form of the service)

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The Internet was founded on the principal that all paths between the various machines on it could be considered equal unless there was a physical problem with the connection itself (which could include a device like a router or hub becoming overloaded by traffic).

By allowing any sort of changes - like allowing for these "internet fast lanes" or "reasonable network management" (when the limits of "reasonable" are never properly defined) the government would give network providers the ability to charge people that are *NOT* their customers for not degrading their service. (and yes, a "Fast Lane" would not be possible if the "normal" service were not just a degraded version of the so-called fast-lane)

Think about this for a little bit. Netflix, Google and Yahoo are three major internet companies. They pay backbone providers like Level 3 Communications to connect their datacenters and office facilities to the internet. Those fees paid to the backbone providers are used by the providers to maintain and upgrade their networks, pay other network providers interconnection fees and a myriad of other things. At the other end you have the individuals who use the services provided by Netflix et. al. - these people pay their ISP's a fee for the connection. Those fees are then used to cover the operating costs of the ISP. Said operating costs can, and do for a number of ISP's, cover the cost of paying their own network providers. But the fees *DO* make it back up the chain to the point that every company that provides a network gets paid by the users of that network - as those payments are part of said companies income, they should cover (at least partially, if not fully) all costs related to running, maintaining and upgrading the network.

At no point throughout the process is anyone having any service provided for free. Netflix pays backbone providers like Level 3 for their connection and the end users pay ISP's like Comcast for their connect. When a user decides to watch something on Netflix, the content is streamed at the request of the user, who has paid their fee in the form of their monthly/quarterly/etc... bill for internet service. While they may exist, it is extremely hard to find a service that consumes a lot of bandwidth that exists as a "push service" (ie: it isn't a direct request by an end-user for the data).

As to the "reasonable network management" - this can and should include the use of well-established techniques like "traffic shaping" or other methods of trying to ensure a good standard for the quality of service available on the network. By including things such as "Deep packet inspection that will shut down types of connections the network provider doesn't like" it is assured that, at some point, the US Internet (if not that of the whole world) will slowly march towards being like Iran's "halal internet" or the Internet as viewed from inside China's "Great Firewall". (the Russian Confederation is heading that way right now - should the US really be emulating a country that seems to be rapidly heading back towards a dictatorship ?)

That whole "shutting down types of connections the network provider doesn't like" thing? Comcast has actually done it (and may still be doing it - I don't know as I do not have a way to test). A few years ago it came to light that Comcast was using "deep packet inspection" hardware to detect BitTorrent connections and spoof a connection shutdown when it did. They claimed this

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was because BitTorrent interfered with their network by causing an increase in overall network latency. It should be noted, however, that "Big Content" - those companies most involved in the music, film and television industries in America - are a major source of income for Comcast and they have a strong belief that BitTorrent should be illegal because some people use it for illegally gaining access to their copyrighted works. (Just because a technology has a potentially infringing use does not make the technology illegal - this is something that the Supreme Court has stated several times. One of those times was back when the first VCR's were hitting the market)

Legally this ties into, at least, the First Amendment. All communications (yes, even those made over the internet) are, for the most part, "protected free speech". Some services - like the TOR Project - are used, by a fair sized amount of the users (at least) to either protect their anonymity or to get around restrictions placed by various governments that restrict access to information those governments might find harmful.

Several countries around the globe that are otherwise free have government controlled blacklists of internet sites that they have decided their populace does not need access to. For the most part these blacklists were created with the idea of blocking very specific sets of content - or, at least, that is what they were billed as to the populace - but have been abused to block sites that are critical of governments or host content (or links to content) that larger business and industry groups find objectionable.

For instance... the MPAA gained access to New Zealand's list - which was created with the express purpose of blocking objectionable material like child pornography - and tried adding websites that work as search-engines for BitTorrent offerings. They did this because they believe that the majority of BitTorrent users are "stealing their content". But, it seems, that they have a bit of a problem in that they have been so focussed on trying to milk every cent of profit they can from their properties that they are not seeing the significant, non-infringing uses of the protocol.

And yes, it does seem true that most of the torrents being tracked by these various search sites seems to infringe on some companies copyright. But by claiming that every download is a lost sale is idiotic. Most people that pirate a movie, tv show or computer program wouldn't pay for it if it wasn't available. I used to know a guy that would pirate every game he could find, just to be able to brag that he had the game. But when it came to games he actually liked, he'd go out and actually purchase a copy - which means that, if he'd pirated the game ahead of time - it actually facilitated a sale.

What this means is that a lot of the reasons given by companies that don't want a "neutral network" are complete and utter shite. The Internet has functioned fine as a neutral network for 20 or more years and the NSFNet and Arpanet networks that preceded it also functioned perfectly while being completely neutral to all uses. All the proposal would do is make the existing neutrality something legally regulated.