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The reason why allowing fast lanes means, in practice, that others are in slow lanes is that Internet access speed is relative. Although non-fast-lane sites may get an access speed of X bits per second, other websites which load faster set a de facto standard for what consumers expect. So non-fast-lane sites will be behind the state of the art as demonstrated by what fast-lane sites can do. That means they will be rightly perceived as being in a slow lane by consumers.

It's harmful to allow ISPs to extract rents (in the economist's sense) from websites which need to avoid coming across as "slow lane". Rents are not productive economically. They suck money from innovative firms to service providers who, in effect, are demanding a ransom for not reallocating bandwidth to competitors.

Internet service providers are the modern-day utility par excellence. Broadband should be reclassified as Title II.