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TECH

## Net Neutrality, For and Against

Two former FCC commissioners—one Democrat, one Republican—weigh in



Robert McDowell, left, served on the Federal Communications Commission as a Republican from 2006 to 2013, while Democrat Michael Copps was a commissioner from 2001 to 2011. **PHOTO:** WIN MCNAMEE/GETTY IMAGES; MIKE THEILER/BLOOMBERG NEWS

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The Federal Communications Commission set Thursday to repeal the rules requiring internet providers to treat all traffic on the web equally. The agency is also expected to remove the internet's classification as a utility, freeing cable and telecom operators from many regulations.

Those moves to roll back net neutrality have fired up the concept's supporters and critics. Net neutrality supporters warn that the repeal means the death of the web as we know it, while critics say the changes will promote investment. To clear things up, we invited two former FCC commissioners to discuss the issue over email.

Michael Copps, who supports net neutrality rules, was a Democratic FCC commissioner from 2001 to 2011. Robert McDowell, who served as a Republican commissioner from 2006 to 2013, thinks the rules should be eliminated. Edited excerpts from their responses follow.

**WSJ:** Net neutrality means a lot of different things to a lot of people. Should people be worried, or is it hype?

**Copps:** Net neutrality simply means your internet service provider treats you like everyone else—no favors and no faster services, thank you, for those who pay more or for affiliates and friends of the big telecom guys. Take it away and the gatekeepers take over. A dynamic internet responds to the people who rely on it, not monopoly-seekers at the center. You bet people should be worried. It's not hype.

**McDowell:** It's hype. Some advocates for more Internet regulation have done a terrific job of scaring people with apocalyptic predictions. The term “net neutrality” has no legal definition and can mean whatever you want it to. But if we're talking about what used to be known as the “permissionless” Internet with maximum freedom and openness for consumers and entrepreneurs throughout the Net's ecosphere, then we should look to the legal framework that gave us the bountiful and freedom-enhancing Internet we have today. That “light touch” framework was the product of bipartisan consensus during the Clinton-Gore administration; but in 2015, the Obama-led FCC departed from that and created uncertainty and confusion when it declared that an antiquated 1934 law designed for the old Ma Bell monopoly (when phones were held in two hands) should apply to the Net for the first time. On Thursday, the FCC is restoring the state of the law as it was before the 2015 change. Consumers were well-protected then by three powerful federal laws: the Federal Trade Commission Act, the Sherman Act and the Clayton Act, plus other laws too. They will be well-protected again after Thursday's FCC vote.

**WSJ:** Is broadband service a utility, like electricity or the telephone, that should be regulated? Or is it a competitive market that doesn't need the same rules?

**Copps:** The internet is the internet and defining it in either-or terms misses the mark. As our major communications platform, it is heavily imbued with the public interest, so there has to be a measure of public interest oversight. But it must be competitive, too. Allowing it to become the province of a few giant providers, like the current FCC is poised to do, is anything but pro-competitive.

**McDowell:** The broadband market is competitive and FCC studies have concluded just that. Consumers of broadband services are “cutting the cord” and are going mobile. The marketplace has given them abundant choices. For example, nearly nine out of 10 Americans have access to four mobile broadband providers. Prices are falling sharply and speeds are getting faster. Unlimited data plans are now the norm. And on “Cyber Monday,” almost half of all online retail orders were placed through a mobile device. All of this adds up to a market that is highly competitive.

**WSJ:** Much of the debate has been between “big content” like Netflix or YouTube and “big distributors” like Comcast and AT&T. But AT&T is trying to buy HBO and YouTube owner Google now sells internet service. So how do those blurred lines change the discussion?

**Copps:** These companies are becoming more and more alike, combining both distribution and content. Controlling both is my definition of monopoly. Our regulatory and legislative branches need to catch up with that, not to mention our jurisprudence. Big Content and Big Distribution will fight it out, buy each other out or do whatever they deem necessary to serve their bottom lines. The role of public-interest oversight is not to mediate special-interest jousts, but to protect consumers, better understood as citizens.

**McDowell:** Industry analysts call the trends you describe “convergence.” All of the companies you named are evolving to meet consumer demand. They are all “technology” companies. They’ve built thousands of miles of fiber that connects to routers and servers all over the country, to convey a massive slurry of ones and zeros that comprise digital communications like voice, video and apps. So yes, the lines of yesteryear drawn to define these companies are blurring. The laws that impose these obsolete distinctions are out of date and need modernizing.

**WSJ:** If the current rules go away, what does the Internet look like in five years for the average consumer?

**Copps:** It would look like, and be, a gatekeeper’s paradise. Online competition and mind-bending innovation would be little more than memories of a better past. Very importantly, our civic dialogue—the news and information upon which a successful self-governing society depends upon—would be further eroded. Telecom and media consolidation have wreaked havoc with investigative journalism and turned political campaigns into a crass reality show and our “news” into bottom-feeding infotainment. I don’t believe democracy can survive on such thin gruel. Throw in that we, the people, will be paying ever-more exorbitant prices for this constricted future and you will understand why so many millions of people all across the land have contacted the FCC and Congress telling them to preserve our current net-neutrality rules.

**McDowell:** Five years from now, the restoration of the Clinton-era rules will have produced more abundance in the entire Internet ecosphere, more consumer choices, lower prices per bit per second and innovations we can’t even imagine today. The Internet will remain robust, vibrant, open and freedom-enhancing. Predictions of the Net’s demise will be proven wrong and they will be long forgotten. Do you remember all the folks who bought Amish butter churns before Y2K? The world didn’t end then

either.

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