



# Congress can finally get it right Pass the Save the Internet Act

BY ED BLACK, OPINION CONTRIBUTOR — 03/12/19 08:10 AM EDT  
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The FCC abdicated its duty to protect consumers' access to communications when it [reversed the 2015 \*Open Internet\* rules](#). Congress now has a chance to use its oversight and legislative powers over the agency to step up and defend consumers and the benefits of an open Internet. The House Communications and Technology Subcommittee [begins by holding a hearing](#) Tuesday on legislation introduced by House and Senate leaders last week that would restore net neutrality rules.

The [Save the Internet Act](#) would reinstate the 2015 *Open Internet* rules that a federal appeals court [upheld](#) in 2016. The internet has been historically neutral and this legislation clarifies and reinstates the rules: no blocking, no throttling and no paid prioritization – and empower the FCC to prohibit unjust, unreasonable and discriminatory practices.

In December 2017, the FCC under Chairman Ajit Pai, formally reversed its *Open Internet* rules and said the FCC would no longer enforce net neutrality.

This term also gets overused, and has taken on different meanings, but it means that an Internet service provider (ISP) has to treat all traffic moving across its network the same – that it can't arbitrarily decide, on its own, to block, to throttle, or to charge more for prioritizing the content that you want to see. The term net neutrality was coined in 2003 by an academic to encapsulate what had been an important concept for successful networks even going back to railroads – that of nondiscrimination from carriers.

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My association has been fighting for open networks, open markets, and open competition for almost five decades. Open networks allow information to flow freely and more people to be connected, which helps innovation and ultimately economic growth. The best example of that is the Internet, which has created incredible economic activity but also facilitated free speech, education and social mobility.

The Internet has thrived under the de facto principles of net neutrality, and the FCC has tried many ways over the years to insure that the Internet remains an open network, especially as dominant ISPs have signaled their desire to discriminate to maximize their profit and power. In the early days of the commercial Internet, Internet access service was provided primarily over telephone lines. The FCC regulated this service under its rules for telephone service, which prevented carriers from "mak[ing] any unjust or unreasonable discrimination."

Although the FCC decided in 2002 to treat broadband Internet access over cable lines differently, the chairman at the time, Michael Powell, who currently leads the National Cable & Telecommunications Association, still felt it necessary for the FCC to protect "Four Internet Freedoms".

In 2005, the FCC under Powell took action against Madison River Communications for blocking Voice over IP (VoIP), and in 2008 the FCC voted to uphold a complaint against Comcast for blocking peer-to-peer networking applications. In 2010 and then again in 2015, the FCC tried different ways to enshrine net neutrality rules.

In addition to Pai's reversal of the open internet rules, the FCC, which Congress created to oversee communications networks, has now failed to make any attempt whatsoever to prevent the abusive behaviors of blocking, throttling, and paid prioritization. The only thing on the books now is a vague "transparency" rule that just requires that broadband providers post on their website or just send the FCC information about how they manage their networks.

Now, Congress has an opportunity to act, and correct this mistake by passing the Save the Internet Act, which will undo what Pai has done. This is the right move, and both chambers of Congress should act quickly to pass it.

*Ed Black is president and CEO of the Computer & Communications Industry Association.*

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