

A Clear Statement on Net Neutrality

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The concept of Net Neutrality is analogous to the imposition of “common-carrier status” on shipping companies and telecommunications providers as defined in 1934 and subsequently amended.[1]

>[47 USC § 153(11)] The term “common carrier” or “carrier” means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to this chapter; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier. [(CODE nd)]<

>[47 USC § 202 (a)] It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.[2]<

The non-discrimination rule prevents shipping companies, for example, from charging people or companies more or less based on attributes of the `_shipper_` instead of attributes of the `_shipment_`. Thus charging more for a larger or heavier package is legal; charging a woman more than a man for identical shipments is illegal.

The common-carrier status of telecommunications companies, including Internet service providers (ISPs), ensures that the ISPs cannot base their charges to customers (users) on the nature of the transmissions. Signing a contract with, say, Netflix to provide higher bandwidth to that service than to, say, YouTube is currently illegal.

In my view, arguments based on quasi-religious adherence to free-market theory and accusations of using “emotional rhetoric” in rational discussions are themselves emotional rhetoric, as are spurious claims that users will be able to choose less-expensive services as a result of the abolition of Net Neutrality. A June 2017 article reports that “50 million US homes have only one 25Mbps Internet provider or none at all. 10.6 million homes have no wired access to 25Mbps, 4.9 million can't get 3Mbps.”[3]

Based on the behavior of many profit-making companies in the USA such as the pharmaceutical industry[4], there is no reason at all to suppose that ISPs who can charge to unblock or stop slowing access to information sources at their whim will increase their coverage to residents. The current economic system favors profit over service; if using extortion – charging more for wider and faster access – is permitted, the ISPs that are not community based will simply increase profits without increasing availability.

The reversal of Net Neutrality is a transparent effort to increase profits of ISPs at the expense of all users. References to the illusory benefits of unregulated “free markets” for users of the Internet are propaganda promoted by industry shills.

Works Cited

- Brodkin, J. 2017. "50 million US homes have only one 25Mbps Internet provider or none at all." *Ars Technica*. Jun 30. Accessed Dec 3, 2017. <https://arstechnica.com/information-technology/2017/06/50-million-us-homes-have-only-one-25mbps-internet-provider-or-none-at-all/>.
- Hagopian. 2015. "The Evils of Big Pharma Exposed." *GlobalResearch*. Jan 18. Accessed Dec 3, 2017. <https://www.globalresearch.ca/the-evils-of-big-pharma-exposed/5425382>.
- US CODE. nd. "47 U.S. Code § 202 - Discriminations and preferences." *Legal Information Institute*. Accessed Dec 3, 2017. <https://www.law.cornell.edu/uscode/text/47/202>.
- . nd. "47 U.S. Code Part I - Common Carrier Regulation." *Legal Information Institute*. Accessed Dec 3, 2017. <https://www.law.cornell.edu/uscode/text/47/chapter-5/subchapter-II/part-I>.
- . nd. "Common Carrier definition." *Legal Information Institute*. Accessed Dec 3, 2017. https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=47-USC-772311491-1952898624&term_occur=13&term_src=title:47:chapter:5:subchapter:II:part:I:section:202.

¹ (US CODE nd)

² (US CODE nd)

³ (Brodkin 2017)

⁴ (Hagopian 2015)