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Net Neutrality Neutralized

by [Ross Ramsey](#)

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photo by: Caleb Bryant Miller

Federal Communications Commissioner Robert McDowell visited Austin to talk with the Texas Public Policy Foundation and agreed to an interview on net neutrality (whether people who use more internet bandwidth should pay more for the service, like they do now for greater speed), the recent court decision preventing FCC restrictions on "information service" providers like Comcast, and other issues before his agency and the industries it regulates.

McDowell, a free-marketer, generally says the companies providing internet and other broadband services should remain unfettered by regulators unless the business becomes anti-competitive and consumers get hurt. Right now, as he sees it, that's not happening. With the court telling federal regulators that, under current rules and laws, they don't hold the leash, one argument is that state regulators and lawmakers will step in. McDowell doesn't think that'll happen, either.

Industry fights — phone versus cable companies, for instance — often end up in front of government referees at both the state and national level. McDowell doesn't see the need to interfere.

Current regulations were set up for different kinds of industries, but those industries — phone companies, cable providers, content providers, etc. — are all in each other's businesses, which are subject to different regulations, or to no regulations at all. It's nearly impossible to rewrite the laws and get leashes on everyone, McDowell says, and he doesn't see the need.

McDowell suggests the FCC could work "in partnership" with private sector associations and groups that already moderate the behavior of internet and telecommunications providers, and says the government should be uncomfortable regulating more closely.

And he says that, as long as enough companies are competing, their competition will keep them from abusing business and individual consumers. At the moment, there are enough competitors to do that, he says.

"Net neutrality" is the term for an internet in which everyone pays the same price without regard to use. Companies now can charge more for higher-speed access, but their pricing is neutral when it comes to the amount of bandwidth they actually use. McDowell sides with the companies that want to charge heavy users more money and light users less.

The courts say the current FCC rules that put the internet outside of telecommunications regulation prevent the regulators from imposing net neutrality; McDowell contends that congressional efforts to re-regulate the internet — to treat the companies more like utilities and less like information providers — will ultimately fail, because the market, as he sees it, isn't becoming less competitive.

How much of this is a business-to-business fight and how much of it actually has an effect on consumers? It's a little early to work that out, but keeping consumers happy might be the one thing regulators and politicians and the industry agree on, McDowell says.

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