

The FCC and Neutrality in Perspective

The FCC is not saving the Internet nor regulating it. It's just trying to limit the harm that comes from the assumption that we must rely on service providers to change bits. As I wrote in <http://rmf.vc/Demystify> we need to move beyond the false dichotomy between "saving" and "regulating".

As the noise settles down a tad it is useful to reflect on the limits of the FCC's role in neutrality. At best the policy will limit harm but it will also limit how much generative good there can be by continuing to confuse the Internet with the transport we currently use.

We also need to be skeptical about claims that the FCC is attempting to "regulate the Internet" as in [this](#) Slate piece. It may be funny to read but it smacks of the Stockholm syndrome in which victims identify with their captors. If anything the FCC is attempting to protect the Internet from the carriers acting as private regulators.

We're talking about protecting the right to communicate. Governments need to find a balance. In civil rights we protect individual rights by limiting the ability to arbitrarily discriminate. But what do we mean by "arbitrary". In the case of connectivity we start by understanding implicit assumptions that reduce our choices.

We need to be very careful about language. Today the term "The Internet" is as much about the businesses that use the technology as the technology itself. This is what happened to words like "Broadband", "Television", "Radio" etc. I'm going to try to use "The Internet" here in a strict sense but even when we talk about "The Internet" do we mean rigid adherence to the particular protocols or to the large idea of end-to-end connectivity that doesn't depend on what's in middle along the path. Is Skype about "The Internet" or is that just one transport it happens to use?

The FCC regulates traditional services like television because they are dependent upon the telecommunications infrastructure.

The Internet is different in that it exists independent of the telecommunications infrastructure. It can regulate the telecommunications infrastructure we use to carry a portion of the traffic. That is not "The Internet". It is just a transport we use. It is an important portion because today's policies give service provider control of so much of the infrastructure. For want of a better term this is the "Broadband Internet". And, in that sense, the name of [BITAG](#) is appropriate for its function in dealing with the conflict between The FCC and Neutrality in Perspective/[Bob Frankston](#) 1

the existing providers and the way we now use the infrastructure.

We also need to be clear that privacy policies are not about "The Internet" but are really societal policies about how we deal with the new ability to connect information using the new technologies. Of course "The Web" is another term that confuses technology with business models. In a very loose sense privacy is indeed about "The Web" but it's also about social and business models independent of the particulars of the Web.

If we are to move ahead we have to be very careful about the words we use and how they are heard. The discussion of network neutrality on both sides shows the difficulty in communicating the ideas. It's not about regulating the Internet but it is about trying to impose policies on today's telecommunications providers that are at odds with their defining business model – selling services (including transport) to fund infrastructure.

Principles such as neutrality and common carriage limit the harm from gatekeepers but they are not ends in themselves. Why do we have to settle? We know that if we own the local infrastructure and pay for installation and maintenance rather than using today's subscription model we can align incentives.

One consequence of this service-funding is that the providers business tends to include applications that extend far beyond the transport so the FCC finds itself being forced to deal with managing competition in applications and services. There is a clear and extreme conflict of interest inherent in the business of telecom. Rather than trying to manage this competition at all levels we must recognize that the very mission of the FCC is at fault here.

Rather than trying to apply patch after patch we must instead address the source of the problem – the idea that our infrastructure has to be run for-profit as a byproduct of selling services. We must also remember that we've compromised the US First Amendment in accepting the idea that all our conversations must profit a service provider.

We need to understand generative economics – what does it take to create societal value be it measured in terms of money or quality of life?

How do we move from having to make deals merely to exchange bits to having a common, abundant, infrastructure?

Sure, to many that seems impossible given today's political climate but shouldn't we at least consider it rather than focusing on the past wrongs? I do have some belief that market forces will limit the harm done. As carriers move to go over the top (over IP) they too are users of the same infrastructure. That's the positive side of the Comcast/NBCU deal. Yet all the attention is focused on Comcast controlling NBCU rather than the opportunity it presents to require Comcast decouple its transport business from its content business in order to approve the merger. You can't have a level playing field as long as there is an inherent conflict of interest.

We need to think outside the web. Today's Internet just hints at what is possible. Instead of trying to preserve it we should learn and move forward. Why aren't even our simplest devices connected? Today's Internet lacks the protocols necessary to define relationships among the devices in our homes! We don't know how to connect medical monitors to physicians' offices.

Rather than fixing it, we need to retire the "Broadband Internet" and start working on the "Generative Internet" by building on what we've learned so far.