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A Tangled Web:
Moving from "Open and Free" to "Safe and Secure"

by

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For the past four years, government agencies, communications law firms and corporate public affairs departments have waged a nationwide PR war over an esoteric phrase that most Americans have paid very little attention to: "net neutrality." The Federal Communications Commission and the Federal Trade Commission, foundations and associations, law firms and universities have held countless meetings and forums on the topic from Silicon Valley to Washington, D.C. Presenters included some of our nation's most significant and learned engineers, network experts, economists and academics.

Certainly, the presentations have been intriguing and educational. However, the amount of time and money spent on this discussion is inestimable, with no end in sight. Even after a recent court decision blasting the FCC's decision to regulate how broadband companies can manage their own networks — and even though 53 percent of Americans oppose government regulation of the Internet — a majority of the present FCC is dead set to continue.

The phrase "net neutrality" itself, even after four years, has no clear definition. But in essence, as proposed by the FCC, it means the agency would reverse successful

policies utilizing a "light regulatory touch" and begin regulating the Internet much like old-fashioned monopoly telephone service.

The proponents have thus far successfully used a simple phrase to define the debate: "open and free." "Open and free" sounds really good. However, no American really believes anything in life is "free" anymore — certainly not in the context of an incredibly sophisticated global Internet and high-end devices being unveiled almost daily. Consumers pay for computers, cell phones, wireless devices, Xboxes, BlackBerrys, laptops and now the new iPad. In addition, most pay a monthly subscription to connect these devices to a broadband or Internet provider. A family with the most basic plan might spend over $1,000 annually; families with fiber and the maximum number of movie channels spend thousands. In legal terms, "free" is a red herring; it doesn't exist for most consumers.

Rather than focusing on something that just isn't real, or a regulation the court has already struck down, government should be concentrating on words every American can understand: "safe and secure." What is our government doing with our taxpayer dollars to make certain we are "safe and secure" in the online world just as in the offline one? Americans know the Internet is not "free," but most of us would like to know that our personal information — from financial and banking transactions to data posted on "secure" Web sites — is indeed safe and secure. While we all want American children to reap the benefits broadband can provide, more than half of American parents are concerned about the safety and security of their children online.

Businesses of all sizes want to know their products, logistics and creative content will be delivered safely and securely. Their financial viability depends on it. We provide our children cell phones so that in an emergency, they can be safe. As millions more of us go online with multiple devices, most Americans certainly understand that congestion may occur — just like a traffic jam on a highway. Those enormous 18-wheelers pay more and fund more highway maintenance because they cause more damage, carry a bigger load, and even have to stop and be weighed periodically.

Similarly massive movie downloads and video gamers (not to mention pornographers) may cause an online traffic jam, yet up until now, they have not had to pay for causing it. In fact, most light Internet drivers would probably like the option of paying only for what they use while heavy users pay for traffic jams or damage to the Internet superhighway. We all want to ensure that a doctor in the midst of delicate tele-surgery would have confidence that the highest quality of dedicated bandwidth would allow the safest possible outcome for a patient.

On the other hand, a grandmother who e-mails periodically, shops online once a month and looks at baby pictures should probably not be paying the same as a 24/7 so-called bandwidth hog. Even The New York Times recognized that huge file-sharing platforms are used for "pirated copies of movies" — i.e. illegal content downloads. But whether you are a grandmother, a small business or a multinational corporation, you should want the government working to ensure the safety and

security of personal data and the protection of our children, and that we continue to have a robust, efficient and ever-expanding broadband architecture for the future.

The government should be doing all it can to protect us — businesses, individuals and our government itself — from rogues and Trojans and even malicious attacks. Without evidence of any real threat of discriminatory treatment by Internet providers that harms consumers, the effort to adopt net neutrality regulations is a troublesome distraction. During this historic economic downturn, our leaders should be concentrating on negotiating global agreements to reduce cyber threats, increasing access to more spectrum, establishing policies that encourage additional infrastructure investment to meet growing demands, creating incentives to encourage continued innovation, and ensuring we have a digitally educated and empowered citizenry — starting with our youngest and most vulnerable users.

All of this would result in an overall positive economic impact, more jobs and a cyberecosystem that is safe and secure for America, her businesses and her citizens.

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