Net neutrality: Old issues never die, FierceTelecom, May 17, 2010.

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In the early 1970s while working on the staff of the White House Science Advisor, I saw much struggling with the difference between computing and telecommunication. And here we are decades later still struggling with the same question, now in the disguise of net neutrality. The ARPANET with its packet switching approach to data communication had just come into being in the late 1960s, and the question was whether it should be regulated like a telecommunication service or unregulated like computing. The ARPANET used computers as routers at nodes and carried data signals and thus, some claimed, was unregulated computing. I claimed that just because it used computers and carried data signals, it was a telecommunication service utilizing transmission and switching. Back then in the 1970s, the White House did not want the government to became a common carrier selling any telecommunication service. Therefore, AT&T was asked whether it could take over the ARPANET. AT&T declined, and as a result Telenet was formed to do so. And here we are decades later as AT&T now lobbies that data telecommunication is an information service and should not be regulated as common carriage. Old issues never die! Just because a telecommunication system carries digital data it is not an information service. Just because a packet-switched network uses computers to switch and route data signals it is not an information service.

Telecommunication networks are telecommunication services whether they carry voice, video, or data signals, and should be regulated and treated as common carriers. The information accessed over telecommunication networks are information, computing, or entertainment services and should not be regulated. Back in the early 1970s, we struggled over where to draw the line between unregulated information service and regulated telecommunication service. Today, local telecommunication service companies clamor to retain unregulated control over the last mile to homes and businesses. Since these companies provide lucrative video content over their facilities they want to protect this content from bypass by direct consumer access over the Internet. Such practices are clearly anticompetitive even though in theory the traditional telephone company now competes with the traditional cable company. AT&T was broken up over 25 years ago because of issues created by bypass. And bypass again is creating problems this time over video entertainment which can be accessed directly over the Internet. It has always been about content versus carriage. Decades ago, AT&T and Knight-Ridder Newspapers jointly investigated the market for access to information in the home through a service called videotex. The newspaper industry went into a tizzy and lobbied successfully for legislation forbidding AT&T from providing content over its

telecommunication facilities. Today, the cable industry packages and even owns some of the video content provided over its coaxial cable to homes. The issues, just like decades ago, are unnecessarily made to appear complicated. Lawyers and lobbyists make a fortune, and politicians scratch their heads in delay and confusion. But being neither a lawyer, lobbyist, nor politician, the issues are as clear today in my mind as they were decades ago. If it looks like telecommunication involving transmission and switching, it is telecommunication and should be treated as common carriage. And clearly in my opinion, content should be separated from carriage. A. MICHAEL NOLL, a regular FierceTelecom columnist, writes frequently about the telecommunications industry. He is retired professor emeritus and past dean of the Annenberg School at the University of Southern California. His website is at http://noll.uscannenberg.org/ [1].

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