

# In Defense of a Neutral Net



Network neutrality—the idea that Internet service providers (ISPs) should transmit all data that travels over their networks without improper discrimination in favor of particular apps, sites or services—is a principle that must be upheld to protect to future of our open Internet. It's a principle that's faced many threats over the years, such as ISPs forging packets to tamper with certain kinds of traffic or slowing down or even outright blocking protocols or applications.

For many years, the FCC tried to create enforceable Net Neutrality rules. Until 2014, though, its efforts were full of legal and practical holes, and failed repeatedly in court. It was clear that the FCC was going to need some help from the Internet.

And that's exactly what happened. Millions of users weighed in, demanding that the FCC finally get net neutrality right and issue rules that made sense and would hold up in court. EFF alone drove hundreds of thousands of comments through our online portal at DearFCC.org.

As a direct result of that intense public activism and scrutiny, the FCC produced rules that we could support—in part because, in addition to the bright line rules against blocking, throttling, and paid prioritization of Internet traffic, they include strict “forbearance” restrictions on what the FCC can do without holding another rulemaking, to protect against the possibility of overreach by the agency.

After the 2016 elections, the new administration reversed those rules. Once again EFF and the Internet are working to preserve them and prevent ISPs from interfering with the free flow of ideas.

## **Defending the Net will require a combination of solutions**

There's no "silver bullet" for net neutrality. Federal law can play a role by forbidding ISPs from meddling with traffic in certain ways. Transparency is also key: ISPs must be open about how traffic is managed over their networks in order for both users and the FCC to know when there's a problem. State governments can insist on neutral practices when they contract with ISPs. State and local governments can also play a crucial role by supporting competitive municipal and community networks. When users can "vote with their feet," service providers have a strong incentive not to act in non-neutral ways. Finally, to the extent that there still is competition in some markets for Internet service, antitrust law has a role to play in preventing further consolidation and anti-competitive practices.

## **It's our Internet, and we're going to fight to protect it**

We want the Internet to live up to its promise by fostering innovation, creativity, and freedom. We *don't* want regulations that will turn ISPs into gatekeepers, making special deals with a few companies and inhibiting new competition, innovation and expression.

**The Electronic Frontier Foundation** is the leading nonprofit defending digital privacy, free speech, and innovation. <https://eff.org>