Asymmetries and Shortages of the Network Neutrality Principle

What could neutrality achieve?

The debate on network neutrality has reached sufficient notoriety to eliminate the need for detailed explanation. A simple definition will suffice: “network neutrality” is understood as the principle by which the owners of broadband networks would not be allowed to establish any type of discrimination or preference over the traffic transmitted through them.

What is indeed interesting to remember is the origin of the debate. In February 2002, the U.S. the Federal Communications Commission (FCC), launched a proposal considering DSL connections as an “information service” and, thus, not subject to access requirements telephone companies must fulfill. The following month, the FCC launched a similar draft for cable networks and requested comments on what the regulatory regime that would finally prevail should look like. The comments received by the FCC, particularly those of the High Tech Broadband Coalition (HTBC) Group, which integrates different associations and partnerships of the ICT industry, represent the starting point of the subsequent controversy.

We recall the beginning of the controversy because, since then and perhaps as an inheritance of this beginning, it has been restricted to fixed broadband networks. Indeed, academic papers, political opinions and media comments have appeared in favor of or against network neutrality but have always shared one issue: the opinions provided continue to limit the fight to the scope of traditional networks (telephone or cable). Take as the most prominent example the two articles recently published by Communications on the topic. Van Schewick and Farber’s Point/Counterpoint explicitly played on the landline carriers’ court.

In his less prescriptive, more descriptive (regulatory) Viewpoint, Larouche uses a broader term (ISPs) but takes a similar approach.

It is not our intention to provide new arguments underlining the virtues of the supporting or opposing positions. The matter we would like to stress is the narrow-mindedness of the approach that is adopted repeatedly. It must be remembered that the defenders of network neutrality base their arguments on the need to avoid closing the door to any innovation: the Internet would simply be a platform necessary for the competition between application developers (see, for example, Weinstein). With this idea in mind, there are three axes
What is clear is that in a convergent scenario the coexistence of different regulatory criteria does not seem fair.