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TheirSpace
The attack on "net neutrality" threatens your favorite porn, politics or people-gazing website.
BY FIONA MORGAN | 503 243-2122

John D. Rockefeller realized 135 years ago that the way to control the oil market was to control the transport of oil. So in 1871, he colluded with the railroad industry to form a cartel called the South Improvement Company.

Under their plan, the rate to ship oil would double, and Rockefeller's Standard Oil Company would get rebates for every gallon of oil shipped, even those shipped by its competitors. South would also collect information on the destinations, costs and dates of competitors oil shipments.

Once word leaked, independent oil producers revolted and managed to stop South before it shipped a single gallon. But to a great extent, the damage had been done. Rockefeller offered to buy out his competitors, showing them his books so they'd know what they were up against. They had a choice: Sell out now or be run into the ground. Standard Oil went on to control the production of oil throughout the United States until the Supreme Court broke it up in 1911.

What does a 19th-century oil monopolist have to do with the modern-day Internet world of ones and zeroes? Well, we all know how nicely things work out when oil men are in charge.

But the real key is the railroad—the transport route, the superhighway. It's more than a stale metaphor for talking about the abstract technicalities of the Internet. The way valuable goods are delivered—be they gallons of oil or binary packets—hasn't changed.

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The last Telecom Act, in 1996, deregulated the communications industry, bringing about widespread media consolidation. It opened the door for Clear Channel's acquisition of hundreds of radio stations. It allowed phone and cable companies to consume one another ravenously, undoing many decades' worth of antitrust measures. From a public-interest point of view, the law has been a disaster. It's also out of date: The Internet is mentioned fewer than a dozen times.

Now the Senate is considering the Communications, Consumers' Choice, and Broadband Deployment Act of 2006, a massive overhaul of telecom policy sponsored by Sen. Ted Stevens (R-Alaska), a House version, called the Communications Opportunity, Promotion, and Enhancement Act passed last month.

Both bills cover a lot of ground. They would overturn state laws that prevent cities from setting up their own community internet services, which is good. (Portland plans to provide citywide wi-fi not affected by the bill, since Oregon communities have always been free to provide such services.) They would establish a national video franchise system to allow telephone and cable companies to offer broadband TV service without having to make the local agreements the cable companies currently have; thanks to public outcry, the bills also ensure funding for public-access programming, though many would say it's not nearly enough.

Of most concern is the appearance that Congress will let telephone and cable companies charge different rates to different content providers. To preserve the Internet itself, Congress needs to make a clear stand during this deregulation against letting internet service providers filter content—20 years of protocols and global standards demonstrate that the Internet by its very nature is neutral in how information has moved from one computer to another.

Net-neutrality legislation would ensure that every Web-based business and every site, be it personal, political or commercial, would be treated the same by the systems that power the networks. If those networks cease to be open, consistent and predictable, if they begin to interfere with the content that passes through their pipes, we'll still have broadband networks, but the Internet as we know it will be history.

Repeated attempts to add net-neutrality protections to both versions of the legislation have failed. On June 28, the Senate Commerce Committee voted down the net-neutrality amendment offered by Sen. Olympia Snowe (R-Maine) and Byron Dorgan (D-N.D.). The measure failed in a tie vote of 11-11, with Sen. Gordon Smith (R-Ore.) voting against.

Smith spokesman Chris Matthews says the senator is "very concerned about adding government regulation to the Internet, especially when it has nothing to do with consumer rights and runs the risk of delaying and discouraging the deployment of broadband."

It's not a consumer rights issue, Matthews says, because network service providers aren't trying to restrict access to websites or software.

"This is simply a question of whether the companies that have laid the fiber-optic cable to run the Internet at high speeds...will be able to charge accordingly and whether a free market is going to exist or whether the government is going to regulate it and set prices," Matthews says. "The government actually telling the providers how to run their business is a dicey proposition at best. The senator happens to believe that the Internet functions best when it functions freely."

But Sen. Ron Wyden (D-Ore.) disagrees and is fighting for net neutrality. Last Friday, he took to the Senate floor to denounce what he called a "handful of insiders in Washington, D.C. who want to eliminate that neutrality, leading to discrimination on the Web between the haves and the have-nots."

Currently, content providers all get the same access to your screen now.

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Portland-area Reps. Earl Blumenauer and David Wu (both D-Ore.) voted against HR 3252, a massive telecommunications overhaul that doesn't include net neutrality provisions. Despite her support for net neutrality, Rep. Darlene Hooley (D-Ore.) voted in favor of the bill, citing other consumer benefits.

Blumenauer, Wu and Hooley voted with the minority in favor of the Network Neutrality Act of 2006 (HR 3273), which laid out specific definitions and enforcement mechanisms for net neutrality; enforcement remains under the FCC's jurisdiction.

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