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June 28, 2006

The Honorable Joe Barton, Chairman
House Commerce Committee
2109 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Barton,

On behalf of Carnegie Mellon University, we write to express our strong support of network neutrality and to urge your support of HR 5417 and HR 5273.

When the Federal Communications Commission (FCC) eliminated telecommunication carriers' obligation to provide communications services with nondiscriminatory rates, terms and conditions, it created an anti-competitive environment, giving network owners the power to control what was previously a level playing field for network-based businesses and consumers on the Internet. Telephone and cable companies are now free to

- Provide favorable speeds and access to their own or affiliated Internet content, services and applications
- Block access to or slow the flow of competing content, services and applications
- Impair the functioning of devices connected to the network
- Prevent their subscribers from accessing a competing Internet Service Provider (ISP)
- Charge their subscribers to access a competing ISP, in effect requiring them to pay twice for Internet access

Network neutrality is essential to enable libraries and universities to accomplish their educational mission. Network neutrality ensures an open environment for access to diverse sources of information and to support innovation and experimentation. In a world of global e-mail, electronic media, blogs, and instant messaging, allowing telephone and cable companies to create a tiered Internet environment and to block or discriminate against any lawful Internet content, service, application, or technology puts the practice of democracy at risk. Indeed, such selection for and against particular services and content at the network level is *exactly* what we see happening in non-democratic regimes, giving those with political or economic power the capacity to limit open and free speech. The Internet was designed to be open end-to-end, from service provider to end user. It was a free and open Internet that made it possible for young, unknown entrepreneurs to develop Google, Yahoo!, eBay and many other innovative businesses. Without network neutrality, access to the Internet will become constrained and costly, stifling innovation and growth.

Telephone and cable companies state that they will not block or discriminate against content or services. Self-regulation is too dangerous in this context. It is already the case, for example, that:

- A cable company has ordered customers to stop using their broadband connection to login to their employer's virtual private network (VPN)
- A telephone company has blocked broadband customers from using VoIP telephone service
- An Internet service provider has blocked access to a web site run by a labor union

In the absence of legislation that prohibits them, these discriminatory practices will likely proliferate. Network management is a powerful and subtle tool: a telecommunications provider could chose not to block a web site altogether while using "traffic shaping" technologies to so limit the bandwidth to that particular site as to render it effectively useless.

Opponents of network neutrality claim that people will be harmed by Internet content if broadband companies are not allowed to protect them. Although these industries should be encouraged to develop and provide protective services such as content filters, they should let parents, libraries, schools, and other users and institutions choose if they want to apply them. Allowing cable and telephone companies to determine what is in the best interest of the public sector is problematic.

Several recent surveys of consumers reveal their great concern about discriminatory practices of network operators and their strong support for legislative action to prevent these problems.

The following bills would ensure network neutrality and promote a free and open Internet:

- HR 5417, the Internet Freedom and Non-Discrimination Act (the Sensenbrenner bill, recently approved by the House Judiciary Committee)
- HR 5273, the Network Neutrality Act (the Markey bill)

In contrast, HR 5252, the Communications Opportunity, Promotion and Enhancement (COPE) Act recently approved by the full House of Representatives thwarts network neutrality by preventing the FCC from writing or enforcing rules to protect Internet freedom. We are very disappointed that you authored and sponsored this bill.

The misleading claims of the broadband industries are sufficiently compelling reasons to ensure network neutrality. If you value the educational mission of universities, if you value the role of libraries in a democratic society, if you value research and innovation, then please support legislation to preserve network neutrality.

Thank you for taking the time to review our plea for network neutrality. If you have any questions about the significance of this freedom, please do not hesitate to contact us.

Sincerely,

Gloriana St.Clair
Dean of University Libraries

Joel Smith
Vice Provost and Chief Information Officer
Computing Services

cc: Congressman John D. Dingell, Ranking Member, House Commerce Committee
Congressman Mike Doyle