



The Daily Dish

Is Your Internet Broken?

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Eakinomics: Is Your Internet Broken?

On December 14, 2017, the Federal Communications Commission (FCC) voted to restore its light-touch regulatory framework for the Internet. It rolled back the Obama-era adoption of regulation under Title II of the Telecommunications Act, which had regulated the Internet like a monopoly telephone service from the 1930s. In the intervening 33 days much as happened. Disgracefully, FCC Chairman Ajit Pai was forced skip speaking at a major trade show because of death threats. Retailers experienced record Christmas season sales, and the online portion of holiday sales continued to climb. The data arrived in early 2018 that 2017 was a banner year for streaming music sales. A lot has happened on the Internet in those 33 days.

What didn't happen? Your internet did not melt down. There has not been a single publicized case of "blocking" or "throttling" or whatever other abuses were supposed to sprout the moment the FCC voted. And if they were a real problem, why wouldn't they? Why would companies wait even a day to engage in these activities if they were profitable?

Upon reflection, this is hardly surprising. The commercial Internet came of age somewhere in the early 1990s — the exact date is subject to a spirited debate. So for, say, roughly 25 years it operated under the same rules as the past 33 days. It grew, innovated, morphed and prospered. In 2015, the Obama FCC imposed Title II regulation, which was immediately litigated and not broadly implemented until 2016. Today's experience is the norm that has prevailed for the vast majority of the life of Internet. 2015 and, especially, 2016 are the exception. And that exception displayed no particular improvement of any note.

The debate is far from over. As for what is next, AAF's Will Rinehart has some insights to offer. The most important is that the blame game at the FCC is misplaced. As I've noted before, I can't say it better than this: "The network neutrality debate has never been about the openness of the Internet. It is about the authority of the FCC to publish rules. Because Congress never gave the FCC the specific authority for network neutrality rules, the agency has been engaged in over a decade of rules and courts cases. Indeed, when the 1996 Telecommunications Act was ramping up in Congress, calls for this kind of authority were rejected. Congress alone should solve this problem."

That is unlikely to happen. Instead, many on the left will continue to argue against success and politicize the decision. Expect them to push for a Congressional Review Act to roll back the FCC's December 14 decision in advance of the midterm elections. It won't have a hope of getting the president's signature, but it will allow them once again to sadly raise the ratio of heat to light.