

TO: Boston Linux and Unix Group
SUBJECT: A Net Neutrality Diplomacy Discussion
FROM: Caroline Hunter, February BLU meeting discussion facilitator

BOSTON, 02/16/11 -

Several months ago, an alien diplomatic consul and an attending council arrived on US soil. They live in a dimension of time parallel to the one in which we live, also on earth, they said, but have developed slightly socially faster in their dimension than we have in ours. They described their society to officials in D.C. as one in which information is shared freely, and in which intellectual property rights are considered relics of a hostile age. They do, however, have tools capable of absolutely securing national data systems from outside threats, left over from that hostile age. In exchange for these tools, they ask that the US allows them to mine in West Texas from an underground store of a precious mineral they need to continue to build key technologies in their dimension.

At first, the aliens were assumed to be deranged humans, and were placed in a mental care facility.

During the first two weeks of the aliens' captivity, broadband networks stopped functioning in 85% of the country. Businesses, government, and the daily rhythms of life simply stopped in America. Television and radio were still widely available, but the public barely maintained civil order even with these. Apocalyptic preaching gained sway, leading to both outbreaks in crime and mass increases in consumer spending. Some American citizens packed up essentials and traveled to Canada, where all networks were running eerily smoothly. The international community offered what support it could, but found a strange frequency interfering with all data being sent to and from the US.

The aliens received a visit to their hospital cell from President Barack Obama on the sixteenth day of their captivity. They confessed responsibility for the elimination of data service in the US. All networks returned to normal within an hour of their removal from the hospital into a diplomatic suite in the White House.

Their terms remained the same: give us your minerals, and we give the US absolute data security. Senior officials whispered to each other, "Who knows if their 'security technology' won't corrupt our systems irreparably, or steal our data and use it to repress dissent from their eventual autocratic rule?" Corporate advocates wondered to themselves, "Shouldn't we charge them some kind of service fee, or could we re-frame this as a subprime loan of the minerals? Have they been reading the financial news in this dimension?"

The visitors, meanwhile, were getting bored in their suite. When Obama, his team, and corporate lobbyists arrived to negotiate, the aliens recognized the same old stalemate between corporate

and governmental powers from their more primitive days. The petty arguments cloaked in rational pleas, the definition and re-definition of basic policy terms, the attempts to confine democracy to a proprietary product or idea.

The already-exhausted aliens were tempted to wipe out the country's networks again, but first asked in exasperation, "Do not you Americans have an objective committee to navigate data policy matters?" Julius Genachowski piped up about this initiative he'd been working on, called Net Neutrality, but several telecom CEOs bristled, and the aliens thought better of asking Julius for further explanation.

"Isn't there anyone who could consider our offer without - I apologize for my candor - but without the leashes of money or power dragging them headlong away from civilized consideration of the nation's best interests?" the leader of the aliens asked.

The room broke into angry discord. After doing a quick search on "free and equal access AND Internet," on a phone he snagged from a nearby table, the disconcerted leader became convinced that a group called the Boston Linux Users group was his best chance at getting any real answers.

Below is an agenda for discussion of the major issues surrounding net neutrality and data network management - as tenuously set forth by the aliens, Genachowski, and a team of telecom lobbyists. One or several news stories accompany each topic to spur discussion, and a list of more general resources is provided following the outline.

If you accept the proposed agenda, I will facilitate and take notes on your discussion; the results will be used to determine the United States' diplomatic action towards the aliens from a parallel dimension of planet earth who wish to mine in West Texas to sustain their technology industry. Once we finish the discussion, we will go out for dinner and good cheer at The Cambridge Brewery.

Do you accept?

AGENDA 02/16/11

I. Net Neutrality through the FCC's Eyes - 20 min

1. Limiting power of big business

<http://thehill.com/blogs/hillicon-valley/technology/144507-genachowski-suggests-supreme-court-could-strike-down-anti-net-neutrality-decision>

2. Closing the Digital Divide

<http://www.ucsf.edu/news/2011/02/9380/study-shows-digital-divide-among-patients-diabetes>

<http://www.msnbc.msn.com/id/41483649>

3. Genachowski's Initiatives

Who/what is the FCC designed to protect?

<http://www.extremetech.com/article2/0,2845,2365236,00.asp>

http://news.cnet.com/8301-30686_3-20030875-266.html

II. Net Neutrality vs. Network Management - 30 min.

1. Big business helping small business

https://www.pcworld.com/businesscenter/article/174555/net_neutralitys_worst_fear_big_telecom_or_the_fcc.html

<http://broadbandbreakfast.com/2010/02/three-minority-business-groups-criticize-net-neutrality-rules/>

2. Government as unwelcome complication

What baggage does a government grant carry with it?

http://townhall.com/columnists/rachelalexander/2011/01/17/misnamed_net_neutrality_merely_picks_winners_and_losers/page/2

<http://www.nationaljournal.com/domesticpolicy/obama-budget-includes-5-billion-for-broadband-overhaul-internet-efforts-20110214>

3. Broadband corporations as community partners

<http://finance.yahoo.com/news/Verizon-Awards-25000-Grant-to-prnews-2386265547.html?x=0&.v=1>

http://www.times-standard.com/rss/cj_17248440?source=rss

4. Service fees and packages - comparison

Do consumers have meaningful choices about their broadband service purchases?

<http://www.ecommercetimes.com/story/71782.html>

<http://www.zdnet.com/blog/btl/net-neutrality-alert-verizon-to-throttle-data-speeds-for-heaviest-users/44436?tag=rbxccnbzd1>

5. Higher education stake in broadband company success

<http://fcw.com/articles/2010/11/10/national-education-technology-plan.aspx>

III. Social Justice, Integrated Progress - 20 min.

1. Government as broadband customer

http://www.nytimes.com/2011/02/03/world/asia/03india.html?_r=1&ref=india

<http://www.nytimes.com/2011/01/23/world/asia/23india.html?ref=india>

2. Job growth in telecomm vs. knowledge empowerment

What role do local communities play in integrating broadband into their way of life?

http://host.madison.com/ct/news/opinion/mailbag/article_7cea79fa-f6ef-5753-ba53-7c05b440ad1a.html

3. Digital Citizenship - First and Second Class

http://news.yahoo.com/s/mashable/20110204/tc_mashable/why_the_web_is_useless_in_developing_countries_and_how_to_fix_it

http://www.newamerica.net/publications/articles/2011/news_organizations_should_stop_being_neutral_on_net_neutrality_43901

VI. Open Source Community Role in NN Debate - 40 min.

1. Copyleft movement success?

[http://www.politics.co.uk/opinion-formers/press-releases/business-and-industry/software-freedom-crusader-richard-stallman-on-european-tour-\\$21387077\\$21384356.htm](http://www.politics.co.uk/opinion-formers/press-releases/business-and-industry/software-freedom-crusader-richard-stallman-on-european-tour-$21387077$21384356.htm)

http://www.economist.com/node/17899970?story_id=17899970&fsrc=rss

2. Subversive programming in current affairs

<http://techcrunch.com/2011/02/11/wael-ghonim-if-you-want-to-liberate-a-government-give-them-the-internet/>

http://www.zdnet.com/blog/government/ive-changed-my-mind-america-must-never-allow-an-internet-kill-switch-heres-why/9982?tag=mantle_skin;content

3. Leveraging the open source community for good

http://voices.washingtonpost.com/posttech/2010/08/silicon_valley_criticizes_goog.html

http://www.pcworld.com/businesscenter/article/217545/linux_skills_are_hot_on_improving_it_hiring_front.html

http://adage.com/digital/article?article_id=144686

4. Ways to share expertise - Installfest

Can Linux compete with the broadband spectrum of household entertainment?

<http://markets.about.com/about/news/read?GUID=15621451>

5. Policy in government of tech industry vs. government

What are the differences between consumer privacy rights and citizen privacy rights?

<http://gamepolitics.com/2010/06/08/silicon-valley-asleep-net-neutrality>

<http://www.dailynewstranscript.com/news/x1179516493/Tech-industry-finds-receptive-audience-on-hill>

<http://www.themoscowtimes.com/news/article/telecoms-band-together-to-sponsor-online-cyber-militia/430573.html>

<http://www.webpronews.com/topnews/2011/02/16/who-will-survive-in-the-new-networked-media-oceans>

6. Gaming as method for community engagement

Is Linux a user-centered game? Or something more political? What is a "Linux win"?

<http://www.dailyorange.com/feature/tech-unique-gaming-software-kinect-gives-wireless-a-whole-new-dimension-1.1966926>

Other resources:

http://lawbrain.com/wiki/Category:Internet_Law

http://www.cyberte telecom.org/notes/communications_act.htm

<http://reason.com/archives/2011/02/08/internet-cop>

<http://scrawford.net/blog/plain-language-explanation-part-i/1314/>

http://debatepedia.idebate.org/en/index.php/Debate:_WikiLeaks_release_of_US_diplomatic_cables

<http://www.mondaq.com/unitedstates/article.asp?articleid=115184&rss=8>

<http://reboot.fcc.gov/developer>

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Some key events in Comcast Corp.'s history:

1963 - Ralph Roberts buys American Cable Systems, a 1,200-subscriber cable TV operator in Tupelo, Miss., for \$500,000.

1969 - Company renamed Comcast - from "communications" and "broadcast."

1972 - Comcast shares trade publicly.

1988 - Following several acquisitions, Comcast buys 50 percent of Storer Communications Inc. to become the nation's fifth-largest cable TV operator, with more than 2 million subscribers.

1990 - Ralph Roberts' son, Brian, is named president.

1994 - Comcast jumps to third place in cable after buying Maclean Hunter's U.S. cable operations. Comcast now has 3.3 million subscribers. Comcast and partners invest in The Golf Channel.

1996 - Comcast buys majority ownership of Spectacor - owner of the Philadelphia Flyers and two arenas - and acquires the Philadelphia 76ers. Comcast also forms regional sports cable channel in Philadelphia. It launches its first high-speed Internet service - in Baltimore.

1997 - Microsoft Corp. invests \$1 billion in Comcast. Comcast buys a controlling interest in E! Entertainment.

2001 - Comcast acquires Outdoor Life Network, now called Versus, and expands investment in The Golf Channel for a controlling interest.

2002 - Comcast buys AT&T Broadband cable systems to become the nation's largest cable TV operator, with 22 million customers. Comcast unveils high-definition TV and video-on-demand services. Brian Roberts takes on the additional role of CEO.

2004 - Comcast makes unsuccessful hostile bid for Walt Disney Co., owner of ABC and ESPN television networks, movie studios and theme parks, for \$54 billion. Brian Roberts adds chairman to his titles of president, CEO.

2005 - Comcast joins a group of investors to buy a 20 percent stake in Metro-Goldwyn-Mayer movie studio, which later files for bankruptcy and is taken over by creditors. Comcast unveils digital phone service and creates division to develop the company's Web portals and acquire Internet businesses.

2006 - Comcast signs video-on-demand distribution deal for Disney content and buys out Disney's stake in E! Entertainment and The Style Network. Comcast and Time Warner Inc.'s cable division buy the assets of bankrupt Adelphia Communications and swap ownership of some areas. Comcast hits 24 million subscribers.

2008 - Comcast and other companies invest in wireless broadband provider Clearwire Corp.

2009 - Comcast continues to attract DSL subscribers from phone companies to become the nation's largest Internet service provider. It also becomes the third-largest phone company. GE agrees to sell controlling stake in NBC Universal to Comcast.

2011 - The FCC and Justice Department approve Comcast's takeover of NBC Universal with conditions intended to prevent it from keeping NBC programming to itself at the detriment of

other cable operators and video websites.
SOURCES: Comcast Corp., AP research

What are the “three basic rules” of net neutrality as set forth by the FCC’s Open Internet Report and Order on December 21, 2010?

The first rule requires transparency by broadband providers, who must disclose information regarding their network management practices, performance, and commercial terms of their broadband services so that their subscribers can make informed choices regarding those services, and so that edge providers can continue to develop content, applications, and services.

The second rule provides that fixed broadband providers (such as DSL, cable modem, or fixed wireless providers) may not block lawful content, applications, services or non-harmful devices. Mobile broadband providers may not block lawful websites, or applications that compete with their voice or video telephony services.

The third rule establishes that fixed broadband providers may not unreasonably discriminate in transmitting lawful network traffic over a consumer’s broadband Internet access service.

What are three exceptions to enforcement of these basic rules?

The Commission recognizes that broadband providers must be able to reasonably manage their networks. Legitimate network management purposes include ensuring network security, addressing traffic that is unwanted by users, and reducing or mitigating the effects of congestion on the network.

Consumer choice, freedom of expression, user control, competition, and the ability to innovate without permission are just as important when users are accessing the Internet via mobile broadband as via fixed. However, mobile broadband is at an earlier stage than fixed broadband, and is rapidly evolving.

In the NPRM, the Commission recognized that broadband providers offer services that share capacity with broadband Internet access service over providers’ last-mile facilities, and may develop and offer other such services in the future. These “specialized services” may include VoIP and IP-video offerings. While specialized services may drive investment in broadband networks and provide consumers with valued services, they may also raise concerns about bypassing the open Internet rules and enabling anticompetitive conduct.

Source: <http://www.openinternet.gov/get-informed.html>

An overview of the meeting, added 02-17:

Thank you to all who participated! I enjoyed hearing your perspectives on this complex, fascinating issue. While I realized afterward that it would have been helpful to ask attendees to bring their computers to access this document during the meeting, I hope everyone who was and wasn't at the meeting can continue to take advantage of this document, and continue the lively discussion we started last night using it.

I was glad to hear diverse points of view represented in the meeting, ranging from that of a former telecom-giant employee of 25 years, young programmers, experienced programmers, and those concerned primarily about the political implications of "net neutrality." Quotation marks are needed because net neutrality, as we discussed, it still being defined. The definition it finally receives will be used by broadband providers and the FCC to determine whether it has a place in policy, or if it will remain an ideal advocated only by vigilant citizens.

We discussed Verizon, Comcast, and other telecom companies' hesitancy for broadband to be defined as a Title II (common carrier, required by law to provide more or less equalized access), rather than a Title I (specialized, not subject to government requirements to provide free and equal access) Internet service. We compared the European model of government-provided Internet service with the capitalist approach. What should businesses be required to do, if anything, to ensure equal access to information to customers of different income levels? We discussed how the Internet shapes an individual's roles as consumer and citizen, and how it does not when it isn't available.

Although it was cut short by the amount of time spent discussing the previous topics, we did spend some time talking about open source's particular place in the net neutrality debate. Egypt and Iran have provided provocative models for technology-enabled activism in recent events, and we touched on how these events are related to the spread of democracy. Near the end of our conversation, someone pointed out that most open source programmers probably are paying for services from the same giants whose corporate mindset they oppose by advocating for open source. While this is true, I would say that in a capitalist society, being an informed consumer is a path to political empowerment. In the technology industry, open source software users are indeed informed consumers.

The one conclusion I would draw from our discussion at BLU last night was that perhaps equal access to information depends as much on open conversations about how we use our knowledge and resources as it does on access to broadband.

And that you have a great group! Thank you again for inviting me to speak, and I look forward to hearing your further comments and questions at caroline.hunter@alumnet.simmons.edu.

~Caroline