

## **Draft Telecom Legislation Falls Short of Preserving Internet Openness**

Washington, D.C.— March 28, 2006 - The U.S. House of Representatives' staff yesterday released the latest version of legislation dubbed, "The Communications Opportunity, Promotion and Enhancement Act of 2006," which aims to rewrite US telecommunications laws.

According to EDUCAUSE and Internet2, while the bill takes some positive steps in helping to encourage the expansion of broadband networks to consumer homes as well as to open the door to the creation of municipal broadband networks, the bill completely lacks critical language that would maintain and support the vital principle of network neutrality. In doing so, the bill falls far short of serving the needs of the country's citizens and instead provides cable and phone companies with the authority they seek for the creation of discriminatory networks.

"Without strong network neutrality enforcement, this bill gives the cable and phone companies a green light to violate the fundamental open access principles on which the Internet was built. In doing so, they will not only create a second-class Internet, but in the long term, create a second-class economy struggling to compete with our forward-thinking international peers," said Gary Bachula, Internet2 vice president of external relations.

In the summer of 2005, the courts and the Federal Communications Commission (FCC) deregulated broadband networks, giving the owners the ability to manipulate how their networks handle Internet traffic. The FCC's four broadband principles, adopted in August 2005, recognize a variety of consumer Internet rights, but do not prevent the telephone and cable companies from engaging in discrimination. The draft bill gives the FCC only limited power to enforce these four principles, explicitly stripping it of rulemaking authority. The bill also makes no mention of a ban on discrimination.

"The bill recognizes the importance of the FCC's 'four principles' for the Internet, and that's a good start," said Mark Luker, vice president of EDUCAUSE, "but in fact the bill limits the FCC's ability to enforce those principles, and so it falls far short of what the higher education community has requested—an explicit guarantee that the Internet will remain free from discrimination or degradation by broadband network operators - so that we can continue to advance our educational missions as well as provide new innovations to the broader Internet community."

Universities engage in distance learning over the Internet to reach off-campus students, provide tele-health coverage to rural areas of the country, and engage in

high-end research on new Internet-based technologies and applications. All of these activities could be undermined, with no chance of being adopted by the general public, unless the operators of broadband networks are required to maintain an open and interconnected Internet supporting the free flow of information.

"The Internet has become one of the most significant educational tools, especially because it is open equally to all Americans," said Luker. "Unfortunately, the FCC's deregulation of broadband has put the survival of the Internet in the hands of the cable and telephone companies, who have already announced their intention to diminish the greatest innovation of our generation into just another TV delivery platform."

Bachula added "Congress should act to provide consumers, entrepreneurs, and educators with the protection needed to support continued innovation, and economic growth. Without strong network neutrality enforcement, the rich tradition of our country's research and education community in bringing new innovations to the marketplace may be lost."

Learn more about the importance of this issue to higher education and the public at the [EDUCAUSE Net Neutrality resource site](#).

#### **About EDUCAUSE**

EDUCAUSE is a nonprofit association whose mission is to advance higher education by promoting the intelligent use of information technology. The current membership comprises more than 1,900 colleges, universities, and educational organizations, including 200 corporations, with 15,000 active members. EDUCAUSE has offices in Boulder, Colorado, and Washington, D.C. Learn more about EDUCAUSE at [www.educause.edu/](http://www.educause.edu/).

#### **About Internet2**

Led by more than 200 U.S. universities working with industry and government, Internet2 develops and deploys advanced network applications and technologies for research and higher education, accelerating the creation of tomorrow's Internet. Internet2 recreates the partnerships among academia, industry, and government that helped foster today's Internet in its infancy. For more information, visit [www.internet2.edu](http://www.internet2.edu).

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