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## Net Neutrality Effort Suffers Major Setback



By Jay Wrolstad  
April 27, 2006 8:50AM

**"We remain optimistic that some variant network-neutrality legislation will be adopted, despite the House Committee's vote," said Andrew Jay Schwartzman, president of the Media Access Project.**

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>> Backers of legislation designed to prohibit Internet network operators from charging Web content providers for using high-speed broadband systems were dealt a blow Wednesday with action taken by a congressional committee.

The House Committee on Energy and Commerce, in a 34 to 22 vote, dismissed a network-neutrality amendment attached to the broad-based Communications, Promotion, and Enhancement Act of 2006.

The amendment, sponsored by Rep. Ed Markey (D-Mass.), would have enabled the Federal Communications Commission to prohibit what are deemed discriminatory practices by network operators who control traffic on the Net.

### Battle Lines Drawn

The issue pits telecom and cable companies, including AT&T, Verizon, Comcast, and Time Warner, against high-profile Internet service providers such as Google, Yahoo, and Vonage. Both sides have lobbied heavily in recent weeks in an effort to sway lawmakers.

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Supporters of new regulations argue that allowing broadband carriers to control Web access would undermine the basic principles of a free and open Internet. But opponents contend that the future of the Internet requires a multibillion-dollar investment in advanced broadband networks, and that those using the networks should pay for that access.

Opinion is divided on Capitol Hill, with some lawmakers supporting a return on [infrastructure](#) investments and exhibiting reluctance to pass legislation inhibiting the carriers' business, while others favor a law that would prohibit network operators from playing favorites when it comes to what companies are using the infrastructure.

#### Still Optimistic

"We remain optimistic that some variant network-neutrality legislation will be adopted, despite the House Committee's vote," said Andrew Jay Schwartzman, president of the Media Access Project, which supported the amendment. Schwartzman noted that the amendment received more votes in the committee than it did in a vote earlier this month by a House subcommittee.

"There is a large grassroots effort applying pressure on Congress, and we believe we will do better in the Senate, which has a bipartisan bill addressing the same issue," Schwartzman said. "It is critical to preserve the openness and innovative incentives the Internet has provided since its inception."

Also pushing network-neutrality legislation is the Consumer Federation of America (CFA), which contends that requiring Internet companies to pay for high-speed Internet not only would result in higher access fees for consumers but also would stifle both innovation and competition.



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**'Solution in Search of a Problem'**

While stopping short of claiming victory in the ongoing battle, Brian Dietz of the National Cable and Telecommunications Association said the amendment's defeat was a positive step.

"This legislation is a solution in search of a problem," he said. "Billions of dollars in network investments would be threatened if the regulations are passed. That would result in a slowdown in the deployment of broadband services."

Offering a similar take is Jeffrey Mazzella, head of the Center for Individual Freedom, who said, "We are staunchly opposed to any regulation of the Internet, which has flourished as a medium for the free exchange of ideas and commerce because the government has taken a hands-off approach."

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