



## Web Cops

To Avoid More Regulation, Internet Service Providers Ought To Disclose More.  
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For months, the Federal Communications Commission has been weighing what to do, if anything, about allegations that Comcast Corp. blocked users from employing BitTorrent, an application that allows peer-to-peer sharing of videos. Comcast critics say the company targeted the technology and tried to stop its use because BitTorrent could dig into Comcast's market for selling videos; they want the FCC to force Comcast to stop and are pushing for legislation that would more closely regulate Internet service providers (ISPs). Comcast counters that it was simply engaged in reasonable management of its networks after finding that users of BitTorrent were slowing operations for everyone on the network; the effects, the company says, were particularly noticeable during peak use hours. Comcast vigorously opposes new regulation, arguing that it is unnecessary and potentially harmful.

ISPs, both those working via cable and those using telephone lines, have poured billions of dollars into building their networks, leading to broader and better service for consumers. These companies have a right to manage their networks; just as important, consumers have a right to know what kind of service they are receiving and whether a particular product or application can be used on their ISPs' network. Full disclosure by the ISPs of major network management decisions would go a long way toward addressing this conflict. Disclosure of this type respects the best aspects of a free market: The ISPs make business decisions they believe are necessary, consumers are empowered to make decisions about whether to switch to competing services, and the FCC gets information it needs to ensure that ISPs don't infringe on the freedoms that make the Internet such a powerful tool for entertainment, communications and commerce.

In this case, disclosure of Comcast's policy led the company to declare it would change. Comcast's alleged transgression was discovered after months of research by a diligent Comcast user who spread the word through -- no surprise -- a Web site. Interest groups picked up on the matter and soon Internet and more mainstream media were reporting on it. Comcast and BitTorrent have since formed an agreement to work together. This solution could have -- and should have -- come earlier if the company had voluntarily disclosed its policy right away.

Testimony given in April by FCC Chairman Kevin J. Martin suggests the commission is on the right path. While acknowledging the power of ISPs and the potential for mischief, Mr. Martin has repeatedly said that no new regulations are needed because the FCC already has the legal authority it needs to police ISPs and ensure they don't overstep the bounds of legitimate network management. He has also called for more transparency from the companies and pushed for increased disclosures to consumers. Comcast and the

other ISPs that would like to avoid a potential regulatory morass would be smart to start robust compliance with this very reasonable demand.