

## Congress Must Protect Free Access to Web Sites, Services

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By Anna G. Eshoo

This spring, Congress will consider for the first time "rules of the road" for the Internet. A major struggle is already underway between the Bell telephone companies and the major cable providers over the terms by which the Bells will begin to offer video services over their advanced broadband networks to compete with cable and satellite television services. While they have sharp disagreements on these issues, the one plan which unites them is to transform the open infrastructure of the Internet and assume control over consumers' access to the websites and online services they now are able to access freely and unhindered. They are opposed by an array of Internet companies, universities, and consumer groups.

This battle for "Net Neutrality" will determine the future of the Internet and the continued innovation and technological development the Internet has produced.

Eleven years ago, Larry Page met Sergey Brin when they were both doctoral students in the Computer Science Department at Stanford. Their research led to the development of a breakthrough computer algorithm that ranked Internet web pages according to the relevance of a user's search term. In 1998 they incorporated their fledgling enterprise based on this technology, and Google Inc. was launched.

At that time Google's competition included Yahoo! which had recently gone public and been capitalized at tens of billions of dollars; Microsoft, which released its own MSN search technology around the time of Google's founding; Alta Vista, owned by Digital Equipment Corporation; and a variety of other established technologies such as Lycos, Excite, Infoseek, and Inktomi.

But Google had invented the better mousetrap, and users were attracted to its quick-loading initial screen and comprehensive, pertinent search results. Today, Google logs a billion hits a day and owns a 60% market share among search engines, besting both Yahoo! and Microsoft.

This is not only the story of Google, it's the story of Silicon Valley and the Internet - brilliant innovators with groundbreaking ideas and the entrepreneurial spirit to bring them to the world. Because of the free and open structure of the Net, Google could reach potential users just as quickly and easily as its behemoth competitors.

What if Page and Brin, two grad students with an innovative technology and small start-up company, had to pay to reach users? What if Google were relegated to a "slow lane" in 1998 while their larger, wealthier competitors obtained preferred access by paying network providers to feature their services on faster, more reliable Internet bandwidth?

It's hard to imagine that Google or any other innovative technology company could survive in such a situation, but this is exactly what large broadband network operators - the Bell telephone companies and cable operators - intend to implement. By leveraging their duopoly position for broadband access, the Bells and cable will create a new chokepoint for Internet content and they will become gatekeepers for both consumers and content providers. This structure would allow them to develop a second revenue stream for their broadband carriage, charging content providers for placement on this new premium tier, as well as charging consumers for premium broadband access service.

These plans are not conjecture or speculation. Broadband providers have been remarkably clear about their intentions to establish "toll roads" on the Information Superhighway, making top service levels available only for their preferred content. Late last year, AT&T's Chairman Ed Whitacre said, "How do you think [Internet companies are] going to get to customers? Through a broadband pipe. Cable companies have them. We have them. Now what they would like to do is use my pipes free, but I ain't going to let them do that because we have spent this capital and we have to have a return on it."

It would be difficult to find a clearer, more concise threat to use market power to extract monopoly rents.

Congress must do everything it can to ensure that the non-discriminatory framework that has allowed the Internet to thrive and competition on the Web to flourish, is preserved. Without meaningful, enforceable Net Neutrality rules, we will be enabling network operators to fundamentally change the open nature of the Internet, allowing them to control Internet users' web experiences and establish "walled gardens" of bandwidth reserved for themselves and their preferred providers.

Google is now worth billions of dollars. I have every confidence that Sergey Brin, Larry Page and Google will not only survive, but will probably continue to flourish even if the Net becomes balkanized and subject to regulation by broadband providers. But I'm convinced that the next Page, Brin, Jerry Yang or Bill Gates - perhaps tinkering in their dorm rooms right now - will have little chance to challenge Google, Yahoo!, Microsoft, and the other Web giants of today unless Congress protects the important principle of Net Neutrality.

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