The Daily Dish

Net Neutrality

DOUGLAS HOLTZ-EAKIN | JANUARY 19, 2024

There was a time when merely mentioning "net neutrality" would have fueled an Eakinomics adrenaline rush, when the president of the United States would release a video statement pressuring the (supposedly) independent Federal Communications Commission (FCC) to undertake a net neutrality rulemaking, and when the policy debate would have spawned dozens and dozens of AAF writings. Now is not that time.

Now is after the FCC classified broadband as a utility to be regulated under Title II of the Communications Act of 1934, after the succeeding FCC under Chairman Ajit Pai reversed this classification, and after this experimentation proved conclusively that there is no problem to which net neutrality regulation is the solution.

Instead, now is the time when conservative and progressive policy analysts look as energetic as Ali and Frazier after Manilla, and the FCC is undertaking net neutrality in a tired, desultory, check-the-box rulemaking. Jeff Westling covers all the details in his new piece (based on his excellent comments to the FCC).

The short version is very simple. There is no problem to fix, so there is no reason to classify broadband for regulation under Title II. Nevertheless, the FCC is going ahead. But this is more than a simply pointless action. It is an actively destructive move because the evidence is overwhelming that it will reduce investments in the deployment and improvement of broadband – precisely at a time when closing the digital divide is a policy priority. The Biden Administration has raised conflicting signals and policies working at cross-purposes to high art.

As Westling summarizes the argument:

> *To justify this change, the FCC argues that reclassification is necessary to promote an open Internet, as well as to promote public safety and national security. In both*

> *initial comments and reply comments regarding this rulemaking, I explained why the FCC's plan would not fulfill either of these justifications. First, the light-touch framework that has largely governed broadband since its inception has led to the most robust Internet economy in the world. Second, by reclassifying broadband as a utility, the FCC would add additional costs and risk to any new investment decision. As BIAS providers invest less in their networks, both public safety and national security would be diminished, not strengthened, as the FCC claims.*