

Press Release



The Consequences of Classifying Elements of the Internet as a Common Carrier

ALLISON EDWARDS | FEBRUARY 23, 2021

In an effort to protect access to the internet, some have argued that certain parts of the internet ecosystem, such as website hosting services, effectively behave as utilities and should be classified as “common carriers.” Yet reclassifying certain aspects of the internet could increase regulatory barriers to entry and overturn how the First Amendment currently applies to the internet, argues AAF’s Director of Technology and Innovation Policy Jennifer Huddleston, hurting both innovation and free speech.

An excerpt:

The various elements of internet infrastructure involved in allowing platforms to reach consumers reflect neither a natural monopoly nor aspects characteristic of a utility. Even if one disagrees with the decisions of private actors to deny service to those who violate their terms of service or contract requirements, classifying elements of the internet infrastructure as common carriers or utilities is likely to lock in existing giants and render new entry nearly impossible. Such a shift would set a concerning precedent for intense government intrusion into business decisions and change current interpretations of how the First Amendment interacts with these decisions. It is likely these debates around how best to regulate the internet will continue, but in considering any dramatic changes such as common carrier regulation, policymakers must understand the interaction between different elements of the internet and the evolving markets in which they occur.

[Read the analysis.](#)