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FCC to probe Comcast data discrimination



AP Photo: FCC Chairman Kevin Martin, center, talks to Gary Shapiro, president and CEO of the CES,...

By PETER SVENSSON, AP Technology Writer
44 minutes ago

LAS VEGAS - The Federal Communications Commission will investigate complaints that Comcast Corp. actively interferes with Internet traffic as its subscribers try to share files online, FCC Chairman [Kevin Martin](#) said Tuesday.

A coalition of consumer groups and legal scholars asked the agency in November to stop [Comcast](#) from discriminating against certain types of data. Two groups also asked the [FCC](#) to fine the nation's No. 2 Internet provider \$195,000 for every affected subscriber.

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"Sure, we're going to investigate and make sure that no consumer is going to be blocked," Martin told an audience at the International Consumer Electronics Show.

In an investigation last year, The Associated Press found that Comcast in some cases hindered file sharing by subscribers who used BitTorrent, a popular file-sharing program. The findings, first reported Oct. 19, confirmed claims by users who also noticed interference with other file-sharing applications.

Comcast denies that it blocks file sharing, but acknowledged after the AP story that it was "delaying" some of the traffic between computers that share files. The company said the intervention was necessary to improve the surfing experience for the majority of its subscribers.

Peer-to-peer file sharing is a common way to illegally exchange copyright files, but companies are also rushing to utilize it for legal distribution of video and game content. If ISPs hinder or control that traffic, it makes them important gatekeepers of Internet content.

The FCC's response will be an important test of its willingness to enforce "Net Neutrality," the principle that Internet traffic be treated equally by carriers. The agency has a broadly stated policy supporting the concept, but its position hasn't been tested in a real-world case.

The FCC's policy statement makes an exception for "reasonable traffic management." Comcast has said its practices fall under that exception.

"The question is going to arise: Are they reasonable network practices?" Martin said Tuesday. "When they have reasonable network practices, they should disclose those and

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make those public."

Comcast subscribers who asked the company about interference on their connections before the AP story ran were met with flat denials.

A Comcast spokesman did not have an immediate comment.

Martin also said the commission was looking at complaints that wireless carriers denied text-messaging "short codes" to some applicants. The five-digit numbers are a popular way to sign up for updates on everything from sports to politics to entertainment news.

Verizon Wireless in late September denied a request by Nara Pro-Choice America, an abortion rights group, to use its mobile network for a sign-up text messaging program.

The company reversed course just a day later, calling it a mistake and an "isolated incident."

Verizon Wireless has also denied a short code to a Swedish company, Rebtel Networks AB, that operates a service similar to a virtual calling card, allowing users to avoid paying the carrier's international rates on their cell-phone calls. Verizon Wireless has stuck to that denial, saying it does want to provide an advertising venue to a competitor.

"I tell the staff that they should act on all of those complaints and investigate all of them," Martin said.

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