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F.C.C. Seeks to Protect Free Flow of Internet Data

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By SAUL HANSELL

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In a move to make good on one of [President Obama](#)'s campaign promises, [Julius Genachowski](#), the chairman of the [Federal Communications Commission](#), will propose Monday that the agency expand and formalize rules meant to keep Internet providers from discriminating against certain content flowing over their networks, according to several officials briefed on his plans.

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In 2005, the commission adopted four broad [principles](#) relating to the idea of network neutrality as part of a move to deregulate the Internet services provided by telephone companies. Those principles declared that consumers had the right to use the content, applications, services and devices of their choice using the Internet. They also promoted competition between Internet providers.

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In a speech Monday at the [Brookings Institution](#), Mr. Genachowski is expected to outline a proposal to add a fifth principle that will prevent Internet providers from discriminating against certain services or applications. Consumer advocates are concerned that Internet providers might ban or degrade services that compete with their own offerings, like television shows delivered over the Web.

He is also expected to propose that the rules explicitly apply to any Internet service, even if delivered over wireless networks — something that has been unclear until now.

A commission spokeswoman declined to discuss Mr. Genachowski's speech.

Perhaps most significantly, Mr. Genachowski will propose that the net neutrality principles be formally adopted as commission rules, a lengthy procedure that involves several rounds of public comment. His predecessor, Kevin Martin, avoided making formal rules, arguing that the industry changes too quickly. He preferred to respond to complaints when they were filed.

The commission relied on its net neutrality principles when it sanctioned [Comcast](#) last year for impeding the Internet connections of some customers who were using certain file-sharing software. The cable company has appealed that ruling, challenging the principles as invalid because the commission adopted them without a formal rule-making process.

Other cable and phone companies have distanced themselves from Comcast's actions. They argue that vague guidelines are preferable to formal rules. Some lobbyists see Mr. Genachowski's move in part as a way to prevent a court from diminishing the commission's powers as a result of Comcast's suit.

Since Mr. Genachowski was one of the main authors of the net neutrality provisions of President Obama's platform, industry watchers thought it was only a matter of time before he would tackle the subject.

While the communications industry does not like more regulation, it has generally not found it difficult to comply with the existing four principles, lobbyists said. But there are a few areas where opposition is expected.

One is over the opportunity some Internet providers see in offering faster or more reliable connections to some companies offering services over the Web. A company offering high-definition movies, for example, might pay an Internet provider to deliver them more quickly.

Some public advocates are concerned that such services might quickly transform the largely egalitarian Internet into a system that offered first-class service only to the wealthiest players, relegating independent sites to the slow lane.

Mr. Genachowski is expected to propose a compromise that would allow some experimentation with premium services but with limits to ensure that sites that do not pay for preferred treatment would continue to be available as they are now.



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Another controversial aspect is Mr. Genachowski’s assertion that as wireless Internet service becomes faster and more flexible, it should be subject to the same network neutrality rules as wired service.

“We are concerned about the unintended consequences that net neutrality regulation would have on investments from the very industry that’s helping to drive the U.S. economy,” said the CTIA, the wireless trade group, in a statement.

The commission chairman is expected to propose exceptions that take into account that older generations of cellphones have technical limitations that may keep them from being as open as more modern devices.

Network operators also argue that they should be able to electronically comb through traffic in order to weed out viruses and other malicious activity. The proposal will allow Internet providers to engage in “reasonable network management.”

The chairman is expected to ask the commission to start the rule-making process at a meeting in October. After several rounds of comments and responses, a plan could be ready for a final vote by next spring.

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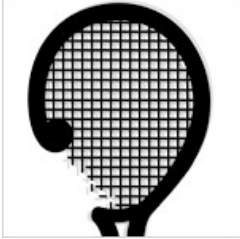


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