

STATEMENT
COMMISSIONER ROBERT M. McDOWELL

Re: Broadband Industry Practices, WC Docket No. 07-52, Notice of Inquiry

During the past two years, our nation's discussion regarding net neutrality has been a vigorous and healthy one. The dialogue has heightened awareness of issues that are vital to the future of the American—and global—economies. Where particular parties sit vis-à-vis the Internet determines their perspectives on this issue. Consumers, network owners, content providers and many others, all have differing and important points of view. In fact, differing names and definitions of the term “net neutrality” abound and continue to change.

Quickly after its debut to the general public a mere 13 years ago, the “Internet” became the communications lifeblood of the world economy and the primary means of communication for American consumers. While it is absolutely essential that broadband network and service providers have the proper incentives to deploy new technologies, it is equally as important that consumers have the freedom to pull or post the content of their choice anytime, anywhere and on any device. In fact, this powerful new wave of consumer demand is shaping a beautiful explosion of entrepreneurial brilliance that will change our lives for decades to come.

In anticipation of these developments, in 2005, the Commission adopted a *Policy Statement* that set forth four broad principles designed “to encourage broadband deployment and preserve and promote the open and interconnected nature of the public Internet.” Today, we are adopting a *Notice of Inquiry* that asks broad questions about the state of the market for broadband and related services, whether abuses are occurring in the market that affect the offering of content on the Internet or the development of new technologies, and the ultimate effect on consumers. For those who fear or allege market failure, this NOI gives them an opportunity to present detailed evidence, of which we have none, thus far. For those who argue that the market is working well and no further regulation is needed, now is the time to make their case.

I agree with my colleagues that we must remain vigilant against possible market failure or anti-competitive conduct that would hamper the full development of the Internet and related services being provided to consumers. But we also must resist the temptation to impose regulations that are based merely on theory. Today, we take a sensible, thoughtful and reasonable step that should give the Commission a factual record upon which to make a reasoned determination whether additional action is justified or not, pursuant to the Commission's ancillary jurisdiction to regulate interstate and foreign communications. I look forward to reviewing the information that this proceeding yields.