



What a Non-Neutral Internet Looks Like -- Let's Go to the Video

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By [Art Brodsky](#) on June 24, 2008 - 11:42am

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As FCC Commissioner Michael Copps [reminded us](#) recently, the one concrete example of Net Neutrality we have, the conditions on AT&T's takeover of BellSouth, expire at the end of the year. The concept of an Internet governed by discrimination, rather than by openness, looms as a real possibility.

Thanks to AT&T and Comcast, however, we now can see what an Internet without Net Neutrality will look like, and it's not pretty. Right up front, we should thank our friends who labor in the neighboring vineyards of what's called "public access" cable TV, the part of cable reserved for public, educational and governmental programming.

Turning the first initials of these sectors into an acronym, these are the PEG channels that local governments have been fighting to keep as Congress, and then state governments, rushed to grant telephone companies statewide franchises to offer video services in competition with cable companies. The Congressional effort failed, but telephone companies have been more successful at the state level. Local governments fight every day to protect the gains they negotiated with cable companies, and some [local government officials](#) believe they are losing as incumbents switch their franchising status from old rules to new.

All this is relevant to Net Neutrality because the new video systems are technically more like the Internet than they are a traditional cable system. The new systems run over an Internet Protocol network, giving them lots of flexibility. They are also relevant because they show how AT&T is using this flexibility to the disadvantage of local governments.

What you will see in the video is a timed demonstration of what a non-neutral Internet will look like. The video demonstration shows how AT&T tucks away the PEG channels it doesn't care about. Each service doesn't get its own channel. Instead, the services are buried under multi-layer menus. Instead of taking a mere second or two to change channels, as with normal TV channels, it takes closer to two minutes to navigate to a particular PEG channel. And instead of simply changing channels from a PEG channel, the watcher has to navigate backward through the menu.

As my favorite old-time sportscaster used to say, "Let's go to the videotape."



If this were all that was going on, it would be bad enough. But Comcast, those of the BitTorrent throttling and seat-holding variety, have given us another demonstration of how they intend to keep control over their network.

A couple of weeks ago (apologies for being late with this), the group Blue America PAC wanted to buy ads criticizing Rep. Chris Carney (D-PA) for his support of legislation to allow even more unconscionable wiretapping. According to prominent

legal commentator [Glenn Greenwald](#), many TV stations, radio stations and newspapers in Carney's district took the ads. But not Comcast. The cable giant, which contributes to Carney's campaign, wouldn't air an ad critical of a Congressman who is helping Comcast on an issue because of the laughable threat of a defamation lawsuit – over an issue of public importance – because the ads argued that telecom companies broke the law by wiretapping without permission.

Comcast has the right to refuse an ad, but the refusal also betrays a particular mindset that is not conducive to the free and open exchange of views on which the Internet was founded and which Comcast now, with its PEG-hiding telephone brother, wants to control.

Put these two examples together, and you get a pretty good idea of what the Internet will look like if these guys get the control over the Internet they want.

FAST LANES NEXT An

Submitted by [barry payne](#) on June 25, 2008 - 9:16am.

FAST LANES NEXT

An essential difference exists between degrading a public access channel - or any programming - on AT&T's U-Verse as a one-way content provider compared to degrading it on AT&T's broadband service, where net neutrality generally applies to the latter and not the former - even though the analogy applies in concept to either. In this case, AT&T is degrading selected programming within a content tier, something not yet achieved by cable tv for which public access was established as must-carry.

A major concern of cable tv, U-Verse and similar content providers with a physical network, is that the programming in question, as well as any competitive substitutes, emerges on its counterpart broadband service to cannabilize its total revenue stream.

Exclusive contracts with content providers designed to prevent this are essential to maintaining the necessary separation in the market, which would prevent, for example, a content producer from offering the same product over broadband.

As network providers deploy their "fast lane" proposals, this exclusivity is extended via respective bandwidth tiers which lose their stand-alone independence from content, as they are tied to terms and obligations associated with selective content - all perfectly consistent with net neutrality because it will be cast as available to anyone as "neutrally bundled".

For example, a cap on metered total Gigabyte use at one tier could force producers and consumers to a higher, overpriced bandwidth tier in order to access certain content not attainable at the lower bandwidth speed. Based on its market power, the network provider could use this distinction between fast and slow lanes to undermine competition from independent content producers attempting to use high, stand-alone bandwidth tiers to compete with its content distribution side.

The higher prices would bar many content producers who either drop out, are forced into slow lanes or end up joining with the content-distribution side itself - effectively separating access to content across bandwidth tiers in non-neutral fashion. In this case, all broadband content is hypothetically accessible across all bandwidth tiers (and therefore qualifies as net neutral), but practically inaccessible due to Gigabyte caps in some tiers, while one-way distributed content is not available at all from the broadband side.

The tables below from Wikipedia compare 5 content tiers with 4 bandwidth tiers from U-Verse. As the "fast lane" proposals evolve, the seeming independence between these two price schedules and what they provide will blur into discriminatory interdependencies between content and the provision of broadband service, which are unfortunately, consistent with currently proposed versions of net neutrality.

<http://en.wikipedia.org/wiki/U-verse>

AT&T U-verse customers can choose from any of five TV packages and four Internet packages.

The five base TV packages include:

- U-family: Includes 50 family-oriented channels
- U-100: Includes about 100 channels
- U-200: Includes about 200 channels starting at \$59/month

- U-300: Includes about 300 channels starting at \$79/month
- U-400: Includes about 400 channels starting at \$99/month

AT&T High Speed Internet Access, U-verse Enabled offers four tiers:

U-verse Internet Tiers

Name/Downstream/Upstream/Starting Price

- Express 1.5 Mbit/s 1 Mbit/s \$25/month
- Pro 3 Mbit/s 1 Mbit/s \$30/month
- Elite 6 Mbit/s 1 Mbit/s \$40/month
- Max 10 Mbit/s 1.5 Mbit/s \$55/month

About the Author



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[WIPO Broadcasters Treaty](#)

Reading List

- [CDT: Policy Beta](#)
- [Susan Crawford blog](#)
- [Cybertelecom](#)
- [EFF: DeepLinks](#)
- [Electronic Retailer Blog \(ERA\)](#)

Organizations

- [Alliance for Taxpayer Access](#)
- [Center for Democracy & Technology](#)
- [Center for Digital Democracy](#)
- [Creative Commons](#)
- [Digital Freedom Campaign](#)

- [IPac Blog](#)
- [Electronic Frontier Foundation](#)
- [KEI Policy Blogs: WIPO Casting Treaty](#)
- [Fair Use Network](#)
- [Lawrence Lessig](#)
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- [On the Commons.org](#)
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- [FreeCulture.org](#)
- [SIVACRACY.NET](#)
- [Future of Music Coalition](#)
- [Jon Taplin's Blog](#)
- [Internet Archive](#)
- [The Technology Liberation Front](#)
- [IPac](#)
- [Wireless Innovation Alliance Blog](#)
- [Knowledge Ecology International](#)
- [Tim Wu: What's New](#)
- [Media Access Project](#)
- [National Alliance for Media Arts and Culture](#)
- [Save the Internet](#)
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