

COLUMNS

## Congressional vote may upend Net Neutrality

February 16, 2011



By **Shane Neman**

When the Federal Communications Commission issued its Network Neutrality ruling in December, the agency declared mobile data providers exempt from that principle. But apparently this was not enough for some parties.

Verizon Wireless and MetroPCS promptly sued the FCC in an attempt to force a repeal of the fresh regulations. The FCC responded, noting that regulations need to be published in the Federal Register before they can be challenged. The opponents of Net Neutrality clearly are not trigger-shy.

The FCC expected a court challenge, but another troubling development may preempt the need for a legal fight.

**Nyet Neutrality**

On Feb. 17, the House Energy and Commerce Committee will hold a hearing regarding Net Neutrality.

Following the hearing, the committee will hold a Congressional Review Act vote which if passed would both overturn the regulation and prevent the FCC from ruling on the issue in the future.

If the Congress overturns the FCC's ruling in this manner, it will truly be the end of Net Neutrality.

So what does this have to do with mobile marketing?

If the wireless carriers have the right to degrade, throttle and block services on their networks, they have the right to degrade, throttle and block mobile marketing campaigns.

Anything would be fair game restrictions on in-application advertising, and mobile search and display ads blocked unless delivered by preferred networks, and mobile commerce forced through carrier platforms instead of neutral parties such as PayPal.

The point is not to ponder every possible hypothetical. You either understand what is at stake or you do not.

**Dot Vader**

Thankfully, Public Knowledge, a Washington, DC-based public interest group has worked tirelessly to educate U.S. consumers about what is at stake.

Last week, the group launched "The Internet Strikes Back," a new campaign to encourage national day of action. Here is the copy:

The Internet Strikes Back is a day February 17th where we are asking the Internet to call your Representative and tell them how important Net Neutrality is.

Go to [www.TheInternetStrikesBack.com](#) to find out more, get a button, banner, e-mail, and even sign up to

Go to [www.TheInternetStrikesBack.org](http://www.TheInternetStrikesBack.org) to find out more, get a button for your web site, and even sign up to participate in advance.

If you sign up in advance, you will get a text message on the 17th that will automatically connect you with your Representative.

In January, President Obama declared in his State of the Union address how important it is to bring high-speed wireless access to nearly all Americans.

Last Thursday Mr. Obama declared that "we can't expect tomorrow's economy to take root using yesterday's infrastructure."

We cannot expect to see the innovation that will drive tomorrow's growth if we allow a handful of corporations to cripple that infrastructure.

I urge you to visit [www.TheInternetStrikesBack.org](http://www.TheInternetStrikesBack.org) and stand up for net neutrality.

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