

## ***ALA Annual Conference 2009***

Sunday, 7/12/2009

### **10:30 am - 12:00 pm: Net Neutrality and its Implications for Libraries (MCP W-184) LITA**

Clifford Lynch, Dir. of Coalition for Networked Information (CNI): NN emerged 2001 or later. Ma Bell: Natural monopoly to maintain phone wires; complete control of all details. Court challenges opened up the can. The market was the answer, supposedly, but still only 40% of households can now choose between DSL & cable bb, the only two options, so most still depend on one or the other functional monopoly. In either, commercial content is crowding out 'cultural memory' content because it can pay slotting fees to the ISPs and subsidize some of the delivery. (Sometimes popular content providers turn around & demand payment from the ISPs to make their stuff available, since they can't get the users themselves to pony up, but that still squeezes access to the 'free' content.) This is a bigger issue even for mobile devices, because the bandwidth and other real estate is correspondingly more limited. Neutrality remains the easiest default response where cost of providing service reduces to an all-you-can-eat level, and time will tend to move all services in that direction (Godwin's law).

Carrie Lowe, ALA Office of IT Policy: FCC ruling in 2005 classed cable internet systems as 'information services' rather than 'communication services' which shifted them to a different regulatory regime, removing them from the common carrier neutrality requirements of the 1934 Telecom Act. ATT/Bell South merger included a commitment from the combined company to provide neutral access, inserted to gain FCC approval of the merger. Expired in June 2009, but it basically set a bar for providers to pass. Comcast was found in 2008 to be blocking peer-to-peer access in violation of requirements; court cases in the offing. ARRA requires any funded project to provide neutral access, so the new admin is supportive.

Gregory Jackson, VP of IT, U. Chicago: Locally managed neutral content can be redefined if political situation changes, e.g., faculty runs for U.S. president, so content maintained by him and about him can suddenly be recast as advocacy on his behalf, which could threaten not-for-profit status. Some providers of materials impose restrictions that the n/w must enforce, which is technically a violation of neutrality, e.g. alumni access. Competing needs always demand prioritization and channeling of available bandwidth, which is not neutral. Music

& movie industries got provisions inserted in federal higher-ed bill requiring limits on or even blocking of peer-to-peer file sharing as a condition of eligibility for federal financial aid; they make local n/w admins their hammers in enforcing technologically obsolete business models. \*\*\*Traditional concepts of licensing access to IP are completely outstripped and obsoleted by technical n/w capabilities, and no one yet understands how to manage the conflict -- not n/w admins, lawyers, regulators, insurance companies, etc.\*\*\*