

Prepared Testimony of
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Broadband Consumer Context
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I oversee the technology arm of the New America Foundation, directing the Foundation's Open Technology Initiative.

OTI is a “tech tank” within a think tank and formulates policy and regulatory reforms to support open architectures and open source innovations. OTI promotes affordable, universal, and ubiquitous communications networks through partnerships with communities, researchers, industry, and public interest groups and is committed to maximizing the potentials of innovative open technologies by studying their social and economic impacts – particularly for poor, rural, and other underserved constituencies.

We often work on addressing the question, “What is the consumer context in the United States today?” The quick answer is that nobody knows.

Companies have diametrically opposed the systematic collection of network service level and consumer experience information. And historically, the FCC has facilitated this uncertainty by continually refusing to mandate the collection of the data necessary to make informed telecommunications policy.

Because of this, today the United States faces a data-acquisition crises of unimaginable proportions.

While the core of the Internet has continued to expand, scientific measurement and modeling of its systemic characteristics has largely

stalled and policy-making has continued under a self-imposed veil of ignorance.

We cannot hope to build a national broadband policy that brings America into the digital future without a solid understanding of what is happening on our networks today.

Much like a scanning electron microscope is a critical tool for modern physics laboratories, Internet researchers need high-powered and extensive measurement suites to keep pace with the Internet's increasing complexity.

Unfortunately, as currently conceptualized, our national broadband data mapping initiative—a \$350 million dollar endeavor—will do almost nothing to actually enlighten policy makers about what is happening on the Internet. Instead we have chosen to measure symptoms of underlying core problems.

Since the privatization of the Internet in the mid-1990s, we have embraced a policy that has sacrificed transparency and public data access, assuming that the less regulation of the Internet, the better.

What is absolutely clear, however, is that this data privatization has created disastrous outcomes for network science, basic research, policy-making, and the general consumer welfare.

Because of the pervasiveness of non-disclosure agreements and the practice of treating even mundane operational practices as trade secrets, today's network science operates in a self-perpetuating “fog of unknowing”. This, in turn, has led to massive market distortions and inefficiencies that have come at the literal expense of consumers across the country.

In the United States, customers pay more for slower connections containing more limitations than a growing host of other countries around the globe. When it comes to our international standing in

broadband speed, pricing, and adoption, the United States is the exact opposite of Usain Bolt.

The best that we can say about the current state of broadband in the United States is that the speed of our deceleration is lessening and we're hoping to achieve stagnation in our international year-to-year rankings in the very near future.

So how has our sordid performance affected consumers?

A fundamental assumption of classical economics is the notion that a supply-demand curve achieves equilibrium at an optimal balance. However, this result is itself predicated upon suppliers knowing the demand and consumers having information about the supply.

In the United States, the providers have systematically kept consumers in the dark. Today's ISPs diligently work to ensure that the public has access to as little information as possible—preventing consumers from making an informed decision.

Unfortunately, the FCC has actively supported this practice through its prior laissez-faire policies. And today's FCC runs the risk continuing this current state of affairs through its inaction on issues where the problems and solutions are already well known.

There are areas where data collection is absolutely necessary and areas where decisive leadership is critically important.

Through its perseveration, the FCC continues to encourage business practices that directly harm the general public and the deployment of infrastructure that is guaranteed to create further problems for consumers.

Here are three areas that are calling out for decisive leadership from the FCC, are clearly in the public interest, have substantial precedent, and are in need of immediate action (not further deliberation) by the FCC:

1. For the past 4+ decades, the FCC has ensured that consumers are empowered to attach the devices of their choice to a wireline telephone system. Clearly the same mandate should apply to a phone system that is wireless.

2. The same Internet information that was publicly available from the NSFnet of the mid-1990s should be publicly available today. By allowing the continuing obfuscation of this information, the FCC is harming network science and ensuring that decision-makers will not have the information necessary to make informed broadband policy.

3. Consumers should have access to all the information necessary to make an informed decision about and comparison among the service offering options. This information should mirror what is made available to business line users and should spell out explicitly minimum levels of service and provide baseline SLA-esque guarantees.

I look forward to our continuing debate on these issues and forthright action from the FCC to support the best interests of the general public.

Thank you.