

CDT Reply Comments in the Matter of A National Broadband Plan for our Future

July 21, 2009

Tags: Array

Supporting Documents

These reply comments will first emphasize the importance of having the broadband plan expressly affirm key elements of the Internet's successful legal and policy framework, as discussed in CDT's comments. Several key elements of that framework – strong First Amendment protection, avoidance of technology mandates, and liability protection for Internet intermediaries – received little attention in the initial comment round but should not be taken for granted.

The remainder of these reply comments offer responses to selected arguments that appear in other parties' comments but with which CDT disagrees. For example, many of the arguments against including meaningful nondiscrimination policies in the national broadband plan fail seriously to consider that a reasonable policy could protect against ISPs playing favorites while still allowing network management and user-controlled prioritization. This is true for wireless services as well as for wireline; nondiscrimination principles should not bar efforts to manage congestion, but rather should require those efforts to be evenhanded. On the topic of online copyright infringement, the Commission should steer well clear of encouraging or pressuring ISPs to take on the fundamentally new role of actively inspecting and making legal judgments about users' communications. Finally, while self-regulation can help promote sound privacy practices that all parties seem to agree are important for building trust, self-regulation cannot be a complete answer and needs to be supplemented with legislation.

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