

Blocking VoIP Calls: Foreboding Harbinger or Benign Fluke – The Rights of Network Owners

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There are many “freedoms” associated with communications. Often these freedoms are defined from the consumer perspective – for instance, the freedom to access content or to use applications.

Network owners have rights too, of course. Broadband providers have the right to price their services, to interconnect with other networks and to filter applications and content traveling over their network.

But what happens when business models collide because broadband providers filter applications that affect other business interests? What is the role for government, if any, in preventing this practice?

Government should serve no preemptive role in preserving “openness.” Consumers and competition from other broadband providers serve as the best check on acceptable behavior and norms. Public policy should promote the ability for networks to operate freely.

1. **Network Ownership - Broadband providers must be able to control their own networks.** The rights of ownership include the right to govern and the right to exclude. Treating networks as property provides incentive for investment, as people are unwilling to invest capital into things they cannot control.
2. **Business model experimentation – Broadband providers must be able to experiment with different business models.** Some providers may offer differentiated services, while others may price differentiate. The proper mix of services at various price points is in flux for these new services and regulation should not preempt the flow of the market.
3. **Smart Networks – We should encourage smart networks that will only come with some sort of private control.** Control over filtering means increased ability to fight spam and cybersecurity, and for the development of authentication mechanisms that will provide increased security for consumers.
4. **Bandwidth Allocation – The best managers of bandwidth allocation are the owners of the network, not the FCC.** Market principles will drive broadband providers in accordance with the needs of consumers.