



# NEWS RELEASE

1250 Eye Street NW Suite 200, Washington, DC 20005  
tel: 202-626-5732 [www.innovationpolicy.org](http://www.innovationpolicy.org)

FOR IMMEDIATE RELEASE:  
May 29, 2006

Contact: Rob Atkinson  
202-626-5732

## NEW REPORT PROPOSES “THIRD WAY” ON NETWORK NEUTRALITY

WASHINGTON, D.C. – The Information Technology and Innovation Foundation today proposed a “third way” solution to the heated debate over net neutrality.

Over the last several months, the debate over “network neutrality” has become increasingly polarized with both sides predicting the “end of the Internet” if Congress adopts the other side’s position. In a new report, ITIF President Rob Atkinson and University of Colorado Associate Professor of Law and Telecommunications Phil Weiser argue that the current state of the network neutrality debate denies the reasonable concerns articulated by each side and obscures the contours of a sensible solution. In the new ITIF report, they outline those reasonable concerns, as well as the claims made by both sides of the debate that they believe are not factually correct or economically supportable. They then propose a three-part, “third-way” solution that allows incumbent broadband providers to offer managed broadband services provided that they also offer a basic and growing open, non-discriminatory “best-efforts” Internet pipe to broadband consumers.

**First**, they call on Congress to require broadband providers to state their broadband access and usage policies in clear terms. In addition any firm selling “broadband Internet access” must make available a basic and growing level of open, unmanaged Internet access. Firms that do not meet this FCC-defined requirement would be prohibited from calling any of their services “broadband.”

**Second**, ITIF recommends that Congress provide financial incentives to companies investing in broadband networks (allowing first-year expensing of broadband investments and exempting broadband services from federal, state, and local taxation), but only if broadband providers offer their customers a best-efforts, open Internet “pipe” with speeds at least as fast as the evolving FCC definition.

**Third**, in order to ensure that broadband providers do not abuse their market power, Congress should charge the FCC with the responsibility of overseeing the use of discriminatory access arrangements to make sure that any such arrangements do not harm competition (and consumers). This “antitrust-like” approach would require that the FCC manage all relevant proceedings on an expedited basis and under an adjudicative model.

### **About the Authors:**

**Dr. Robert D. Atkinson**, is the President of the Information Technology and Innovation Foundation. As former director of the Progressive Policy Institute's Technology and New Economy Project, executive director of the Rhode Island Economic Policy Council and project director of the Congressional Office of Technology Assessment, he has conducted groundbreaking technology research and written and spoken extensively on technology policy issues. He is the author of *The Past and Future of America's Economy: Long Waves of Innovation that Power Cycles of Growth* (Edward Elgar: 2005).

**Philip J. Weiser** is an Associate Professor at the University of Colorado, where he has a joint appointment with the School of Law and the Interdisciplinary Telecommunications Program. After clerking for two years (for Tenth Circuit Court of Appeals Judge David M. Ebel and United States Supreme Court Justices Byron R. White and Ruth Bader Ginsburg), Professor Weiser entered the world of technology policy as Senior Counsel to Joel Klein, Assistant Attorney General, Antitrust Division, at the U.S. Department of Justice. Since joining the University of Colorado, Professor Weiser founded and serves as Executive Director of the Silicon Flatirons Telecommunications Program, which holds regular seminars on issues at the intersection of information technology, business, and law. Professor Weiser teaches, lectures, and writes widely on information law and policy topics, including a recent book, *Digital Crossroads: American Telecommunications Policy in the Internet Age* (co-authored with Jon Nuechterlein and published by MIT Press in 2005).

### **About ITIF:**

**The Information Technology and Innovation Foundation** is a non-profit, non-partisan public policy think tank committed to articulating and advancing a pro-productivity, pro-innovation and pro-technology public policy agenda internationally, in Washington and the states. Through its research, policies proposals, and commentary, ITIF is working to advance and support public policies that boost innovation, e-transformation and productivity. For additional information, Web users may access ITIF at [www.innovationpolicy.org](http://www.innovationpolicy.org).

###