

Comcast Sues FCC in Attempt to Reverse P2P Ruling

By Zac Champ

In August the Federal Communications Commission (“Commission”) handed down a 3-2 decision concluding that Comcast inappropriately deployed equipment throughout its network to monitor the content of its customers’ Internet connections and selectively block specific types of connections known as peer-to-peer connections.

The complaint was raised when several Comcast subscribers who noticed problems with their broadband connections when they had been using peer-to-peer applications, such as BitTorrent over their Comcast broadband connection. Comcast initially denied any issues were present, however tests offered by the Associated Press and Electronic Frontier Foundation suggested that Comcast was indeed selectively targeting those users engaged in using the application type in question.

The debate has been framed by Free Press and others as one of “Network Neutrality”, which purports that access to information should be content neutral, and where Comcast has been “throttling” specific broadband uses and promoting others. Comcast for its part maintains that ISPs need tools to perform “network management” to ensure that a small pocket of heavy users do not degrade the broadband experience of others.

While Comcast has stated that they are effectuating the FCC’s August ruling they filed an appeal September 4 in the DC Court of Appeals. The August decision had been the first ruling stating how far an ISP could go in the management of their network, a precedent of regulation Comcast and other ISPs may find a hindrance to their business model, one worth the renewed legal battle.

Sources:

Nate Anderson, *Comcast Sues FCC, Wants P2P Throttling Order Overturned*, ARS TECHNICA, Sept. 4, 2008, <http://arstechnica.com/news.ars/post/20080904-comcast-sues-fcc-wants-p2p-throttling-order-overturned.html>.

Nate Anderson, *Hammer Drops at Last: FCC Opposes Comcast P2P Throttling*, ARS TECHNICA, July 25, 2008, <http://arstechnica.com/news.ars/post/20080725-hammer-drops-at-last-fcc-opposes-comcast-p2p-throttling.html>.