

Daniel Shih

*Open Access or Forced Access: Should the FCC Impose  
Open Access on Cable-Based Internet Service Providers*

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Abstract by Rosy Lor

Cable has become the dominant and preferred method of Internet access, offering higher transaction speed for data and information than traditional copper twisted telephone lines. Because there is usually only one cable line to each customer's property, telecommunication companies and Internet Service Providers (ISPs), who generally do not own cable pipe lines, must have access to high speed cable wires in order to compete effectively with cable operators. This situation has raised questions as to how the Federal Communications Commission (FCC) plans to regulate the cable industry in order to maintain competition within the market for Internet access. This article explores this question by beginning with a discussion of the development of the Internet and its place within the Telecommunications Act of 1996. It continues with an examination of current technologies that compete with high-speed cable modem to provide Internet access. The article also discusses the variety of regulatory controls the FCC can utilize to govern the cable industry and examines the non-discriminatory access doctrine used in *AT&T Corp. v. City of Portland*. The article notes that there are ramifications, which may hinder the market in achieving optimal results, in applying the non-discriminatory access doctrine to the cable industry. However, the article concludes by discussing the benefits of FCC regulation and suggests that FCC regulation of Internet services be based on the transmission method and not the type of provider that offers the services.