

Net Neutrality:  
Media Discourses and Public Perception

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***Abstract:***

This paper analyzes media and public discourses surrounding net neutrality, with particular attention to public utility philosophy, from a critical perspective. The article suggests that further public education about net neutrality would be beneficial. The first portion of this paper provides a survey of the existing literature surrounding net neutrality, highlighting the contentious debate between market-based and public interest perspectives. In order to contextualize the debate, an overview of public utility philosophy is provided, shedding light on how the Internet can be conceptualized as a public good. Following this discussion, an analysis of mainstream media is presented, exploring how the media represents the issue of net neutrality and whether or not the Internet is discussed through the lens of public utility. To further examine how the net neutrality debate is being addressed, and to see the potential impacts of media discourses on the general public, the results of a focus group are reported and analyzed. Finally, a discussion assesses the implications of the net neutrality debate as presented through media discourses, highlighting the future of net neutrality as an important policy issue.

***Keywords:*** Net Neutrality; Public Utility; Public Interest; Democracy; Critical Discourse Analysis; Focus Group

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**Résumé:**

Cet article fait l'analyse des médias et des discours entourant la neutralité du réseau, avec une attention particulière sur la philosophie d'utilité publique de la perspective critique. Cet article suggère que plus d'information publique à propos de la neutralité du réseau serait dorénavant favorable. La première partie de cet article offre une revue de la littérature existante entourant la neutralité du réseau, en surlignant le débat litigieux entre les perspectives distinctes; soit basé sur le marché ou sur l'intérêt public. Afin de mettre en contexte ce débat, un survol de la philosophie d'utilité publique est prévu, en offrant une mise en évidence de la façon dont Internet peut être conceptualisé comme un bien public. Suite à cette discussion, une analyse des médias grand public est présentée, en explorant la façon dont les médias représentent la question de la neutralité du réseau et si Internet est discuté à partir du cadre d'utilité publique. Afin d'approfondir l'examen du débat entourant la neutralité du réseau et afin de connaître les répercussions potentielles du discours des médias sur le public général, les résultats d'un groupe de discussion sont présentés et analysés. Finalement, une discussion détermine les implications du débat à propos de la neutralité telles que présentées à travers le discours des médias, en surlignant l'importance de la neutralité du réseau dans les politiques futures.

**Mots-clés:** Neutralité du réseau; Utilité publique; Intérêt public; Démocratie; Analyse du discours critique; Groupe de discussion

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**Introduction**

Despite its intensifying growth and importance, network neutrality has not yet captured the public imagination. This is likely reflective of the lack of media attention given to net neutrality as well as the way that both the concept and the policy are conceptualized and discussed in the media. The degree to which and nature of the way net neutrality theory and policy is addressed in the media, and the way the public understands the issue, is significantly under-examined in current academic literature. Therefore, rather than emphasize the particulars of net neutrality legislation in Canada or the U.S., our aim is to focus on media discourses surrounding net neutrality. We pay particular attention to discourses, or lack thereof, of public utility philosophy, a concept to which we are committed from a critical political economic perspective (e.g., Mosco, 2009; Meehan, Mosco & Wasko, 1993). As outlined by Mosco (2009), a critical political economy approach attempts to understand media processes, in this instance net neutrality, in their historical context, linked to wider issues of social distribution of material resources, from a critical moral philosophical perspective, and with praxis as a goal. Here, we work through the public utility as a way of engaging discussions about public access and control over the Internet, concerns that are clearly related to wider questions of social power and resource distribution. We aim to understand how power and ideology shape media discourse and public knowledge and perception of net neutrality via an articulation of the Internet as a public good. Our first research

question asks to what extent has mainstream media discussed net neutrality as a public utility issue, and to what end. Second, we examine public knowledge about net neutrality as a public utility concern. That is, does the public view the Internet as a public utility and net neutrality as a public interest concern? Further, we suggest that such links could be fostered by more prominent and diverse media coverage, as well as public education campaigns, which would include a historical emphasis on public utilities.

Following these concerns, the first portion of this paper will provide a survey of the existing literature surrounding net neutrality, highlighting the contentious debate between market-based and public interest perspectives. Next, in order to contextualize the debate, an overview of public utility philosophy will be provided, shedding light on how the Internet can be conceptualized as a public good, and why this matters. Following this discussion, a critical discourse analysis of mainstream media will be conducted, exploring how the media present the issue of net neutrality and whether or not the Internet is discussed through the lens of public utility. To further examine how the net neutrality debate is being addressed, and to see the potential impacts of media discourses on the general public, the results of a focus group will be presented and analyzed. In particular, the possibilities for public pedagogy will be addressed. Finally, a discussion will be provided to assess the implications of the net neutrality debate as presented through the media, and the future of net neutrality as an important policy issue.

## **Literature Review**

In recent times, there has been growing scholarly attention to the issue of net neutrality (see Anderson, 2009; Chester, 2007; Brito & Ellig, 2007; Newman, 2008; Pouwelse, Garbacki, Epema & Sips, 2008; Shrimali, 2008). Scholars from a diverse range of backgrounds have addressed concerns surrounding net neutrality, offering perspectives from fields such as communication studies, legal studies, economics, technology, telecommunications law and policy, STS, and even cultural studies. A complex set of concerns and arguments have been raised about the history, politics, and country-specific policy implications of net neutrality concepts. In order to capture general trends in thinking about net neutrality, it is possible to identify a series of debates and contentions around which literature and public debate are focused.

Because of such a diversity of approaches in thinking about the concept and policy implications, even what one might assume to be straightforward definitions of net neutrality, as presented in scholarly literature and the media, are multifarious and often catered to serve varying interests. Wu provides a very basic definition of net neutrality as “an Internet that does not favour one application (say, the world wide web), over others (say, email)” (Wu, 2003: 145). Wu (2003) coined the term “network neutrality” in his article, “Network Neutrality, Broadband Discrimination”, where he makes the case for neutrally operated networks and service. Gilroy builds on this definition, stating, “any such definition should include the general principles that owners of the networks that compose and provide access to the Internet should not control how users lawfully use that network; and should not be able to discriminate against content provider access to that network” (Gilroy, 2008: 2). Highlighting the importance of regulating control among Internet service providers (ISPs), Barratt and Shade (2007) identify net neutrality to be comprised of two main positions: the Internet has no centralized control mechanisms, and those who own the networks do not control the content that runs over them. This is the basic definition that we will apply in this article.

However, as we have noted, it becomes clear that there are many different ways to understand net neutrality. Indeed, stakeholders involved with net neutrality, such as telecommunications companies, businesses, consumer groups, and media reform groups, hold fundamentally different perspectives and suggestions for remedial action. As a result, the way in which net neutrality is conceptualized and situated within a wider context will play a role in how the issue is addressed and to whom. Some opponents of net neutrality view regulation as a hindrance to competition and innovation, antithetical to the spirit of the Internet, or redundant in terms of telecom policy. These perspectives tend to oppose government intervention, or believe that existing laws and policies can cover any potential problems on an individual basis (Globerman, 2008).

A common approach is to characterize the debate from an economic or market perspective, increasingly popular in the contemporary age of neoliberalism. Often addressing Internet users as consumers rather than citizens, scholars such as Hahn and Wallsten (2006) are concerned with net neutrality's effects on the market, and believe in a so-called "hands-off" approach (the cornerstone of neoliberal regulation), or "deregulation" in the name of market mechanisms. As Hahn and Wallsten argue, "mandating net neutrality would be inconsistent with sound economic management of the Internet" (Hahn & Wallsten, 2006: 2). Similarly, Globerman (2008), Greenstein (2007), and Hass (2007), have looked at net neutrality as unfavorable to end-users. Generally, those who examine the debate from a market perspective believe that any regulation will degrade the efficiency of the Internet, stunt subsequent innovation, and restrict potential sources of funding for future infrastructure development. This is often reflected in arguments made by telecommunications companies, ISPs, and businesses.

On the other hand, a variety of individuals and organizations support net neutrality. They typically believe that some form of additional, net-neutrality-specific regulation would ensure that Internet service providers afford equal service to all parties involved, and therefore foster innovation, creativity, and public culture. Thus, they see the importance of net neutrality in upholding the democratic values of the Internet and serving the interests of the public. Critical legal scholars, mentioned throughout this review, have led much of this discussion on network neutrality, particularly Wu (2003) and Lessig (2001). Authors from this milieu have articulated some of the central legal concerns regarding the history of Internet regulation, and even network neutrality as a freedom of speech issue (see Blevins & Barrow, 2009; Cherry, 2006). Several public interest advocates look at the net neutrality debate in terms of its effect on the democratic nature of the Internet. In "The New Network Neutrality: Criteria for Internet Freedom", Meinrath and Pickard (2008) aim to reframe the net neutrality debate by stressing the overarching concern of Internet freedom. They argue, "much of the existing scholarship and commentary fails to sufficiently emphasize a central aspect for network neutrality, ignoring the import of normative principles—principles regarding the role of the Internet in a democratic society and the debt Internet providers owe to the public" (Meinrath & Pickard, 2008: 7). In other words, they believe that the core idea of net neutrality is securing an open and participatory Internet. Other scholars, such as Cherry (2006), Lessig (2001), and Benkler (2000), hold similar participatory-focused views, and many media reform groups such as Save Our Net, Free Press, Electronic Frontier Foundation, Center for Digital Democracy, and Friends of Canadian Broadcasting structure their stance on net neutrality as a means to ensure the democratic values of the Internet.

As a corollary, several critically minded scholars address such democratic values from a public utilities perspective, which conceptualizes the Internet as a public utility, much like hydro/electricity or water. In turn, the Internet should be subject to similar levels of regulation

and scrutiny. Discussions of the Internet as a public utility sometimes coincide with analyses of municipal and community broadband and Wi-Fi networks (see Barratt & Shade, 2007; Middleton & Crow, 2008; Potter, McIntyre & Middleton, 2008; Powell, 2009; Tapia, Powell & Ortiz, 2009). These case studies illustrate how the concept of the Internet as a public utility can be successfully materialized. Barratt and Shade (2007) appear to be the most explicit in presenting the public utilities model as an alternative model to issues surrounding net neutrality policy. Although literature on municipal and community Wi-Fi embodies public interest and public utility values, more emphasis needs to be placed on how these models are highly related to net neutrality.

Anderson (2009), Barratt and Shade (2007), as well as Meinrath and Pickard (2008) discuss the net neutrality debate from a historical political economic perspective, drawing on the development of the telecommunications industries in Canada and the U.S. and the concept of common carriage, which will be discussed momentarily. These authors also share an expressly critical perspective on the market-based approaches discussed earlier. Critical scholars have been engaged in this broader critique for some time. Mosco (1990) describes how “deregulation” is actually a form of “re-regulation” that shifts the regulatory burden from public policy makers to “market forces” as determined by large, private, corporate conglomerates. These types of market-based solutions obviously start with a particular way of viewing social resources, and reify the unfettered market as the best arbiter of social problems. This way of thinking benefits capitalism directly, and most often large companies, who further consolidate control of communications and other social resources into corporate hands and away from public accountability. Wilson (1992; 2000) works from these critiques and shows that deregulation of telecommunications has been furthering monopoly control over social resources, rather than creating more “competition” and “choice”, a claim that deregulation’s architects consistently profess (see Aufderheide, 1999; Newbery, 1999).

The degree to which competing philosophies and discourses play out and are presented in the media is significantly under examined. Specifically, there is a lack of scholarly literature addressing whether or not the media discuss net neutrality in terms of the public interest, and as a public good. Investigating how the media conceptualize net neutrality is crucial because it will affect how citizens understand the issues at hand, as well as what is at stake. Further, it affects whether or not there will be vast public support for advocacy groups pushing policy. For these reasons, our work in this area will provide important answers and direction to the ongoing net neutrality debate in Canada and the U.S.

It would be useful here to briefly explain public utility concepts, philosophies, and regulation, in order to better consider the usefulness and possibilities they bring to the net neutrality debate. Public utilities are a central feature of a public infrastructure that ostensibly attempts to mitigate social inequality by providing universal access to services deemed to be necessary. Railroads, roadways, electric/hydro utilities, water, natural gas suppliers, and the post office each developed in Canada and the U.S. largely under the public sector, with a mix of private interests, in order to ensure access. Public utilities are a modern concept—part of the “modern infrastructural ideal”, outlined in Graham and Marvin (2001), but are related to older moments in the history of Western capitalism(s). While such a discussion is beyond the scope of this article, it is worth noting that utility history has roots in enclosure movements of the British state in the 1600s industrialization and urbanization (see Bettig, 1997; Hobsbawm, 1996; Graham & Marvin, 2001; Jacobson, 2000). At issue is the division of private and public property and ensuing laws and policies that govern that division. Under liberal pluralist capitalism, those

public goods, which require special consideration under the law, have special characteristics, and require special regulation.

A good or service is affected with the public interest due to “the peculiar value given its services at a specific place and time or because it requires monopolistic status to perform those services efficiently” (Sayre, 1980: 9). Those characteristics can be located in a matrix of excludability and rivalrousness. Excludability refers to “the feasibility of controlling access to an infrastructure” (Graham & Marvin, 2001: 424). Rivalrousness refers to “the degree to which goods or services can be consumed by one person without being made available to others” (Graham & Marvin, 2001: 428). When taken together, four types of goods can be determined, as evidenced in *Table 1*: toll goods, common pool goods, private goods, and public goods (Graham & Marvin, 2001).

**Table 1: Types of Goods—Excludability vs. Rivalrousness**

	<i>Low Excludability</i>	<i>High Excludability</i>
<i>High Rivalrousness</i>	COMMON POOL GOODS	PRIVATE GOODS
<i>Low Rivalrousness</i>	PUBLIC GOODS	TOLL GOODS

According to this matrix, the convergence of high excludability and high rivalrousness results in private goods, “[g]oods or services, distributed within markets, that are usually consumed by one person at a time (e.g. food, consumer durables)” (Graham & Marvin, 2001: 428). Goods that are also highly excludable, but low in rivalrousness are considered to be toll goods, such as a sewage system. Goods/services that are highly rivalrous, but low in excludability are considered to be common pool goods, such as “small rural roads and access to storm drainage” (Graham & Marvin, 2001: 423). Finally, public goods are non-rivalrous, able to be supplied to all persons for the cost of supplying to one person; non-excludable, or the inability to prevent access; and non-rejectable, “meaning that once a service was supplied it must be equally consumed by all, even those not wishing to” (Graham & Marvin, 2001: 428).

Following from this description some goods require a higher level of government regulation in the name of the public interest. Where the Internet fits into this matrix is a point of contestation, especially regarding the practice of throttling, and tiered access to the Internet. Thus, net neutrality legislation would help prevent high excludability, and in turn, the conception of the Internet as a wholly private good. Policy directing the organization of resources must (either explicitly or implicitly) address the economic and philosophical question of whether goods/services are best organized into private or public hands based somewhat on the character of goods described above. The capitalist liberal-pluralist framework articulates (and its increasingly neoliberal inflection insists) that most goods are better organized in private hands and that a small portion of society should remain subject to public regulation. Hence, we see the market rationale suggesting that market organization, market values, and “competition” should govern most of America’s institutions, and to a somewhat lesser extent, Canada’s. Defenses of the market economy, and the competition law intended to support it, are based upon perceived

benefits that accrue from the operation of competitive markets. It is claimed that markets are efficient when compared with other delivery mechanisms at delivering what society wants or needs. Rather than being at odds with the market, regulation can be viewed as an insurance of market forces. Thus,

[t]he primary purposes of regulation . . . is to provide maximum benefits to society from these “natural monopolies” and other enterprises “affected with a public interest”, while preventing them from charging higher prices than the competitive market would allow. In effect, regulation is viewed as simulating the effects of the competitive market for publicly important enterprises that function best in the absence of competition.

(Sayre, 1980: 10)

However, the demands of profit-producing cost efficiency may run counter to expectations of social justice and democratic communication. Moreover, those services to which all have an entitlement or need as a prerequisite of effective citizenship may require heavy intervention in markets, or even the replacement of market mechanisms, for the delivery of those public services, which can be characterized as “public goods” (Feintuck, 1999: 47).

How public utilities philosophies have been mobilized in communication policy debates is a key consideration. If communication technology, infrastructure, or content is considered to have a public goods character, it can thus be regulated in the “public interest” (Sayre, 1980; Graham & Marvin, 2001; Feintuck, 1999; Ferguson, 1986; Melody, 1990; Sussman, 1997). This idea is not new. Communications systems have historically been conceptualized and legislated via public utility philosophy with varying degrees of success. Early connections were made between communication and public utilities in both Canada and the U.S., particularly in the relationship between railroad systems and the telegraph.

While reviewing the history of all communications regulations in the U.S. and Canada is beyond the scope of this article, we will only briefly highlight several key points here. First, it is important to recall that communications control has always been under debate. In fact, the U.S. Postal Service vied for control of all American communications systems, starting with the telegraph (see U.S. Post Office Department, 1914; Wilson, 1999). Despite the Post Office’s failure to convince the U.S. Congress to commit all communications under its eye, the Interstate Commerce Act of 1911 began to regulate telecommunication. The public utility concepts of “convenience” and “necessity” were appropriated for the telecom sector (later broadcasting). The public utility concept of universal service was also adopted in order to wire the nation. Ostensibly, this was done to better serve the public, but in reality, or at the very least with the effect of, it secured profits for American monopolist AT&T (Verhoest, 2000). A related, but different history occurred in Canada (Winseck, 1998; 2004), where the Government Post Office initially ignored the telegraph until the Electric Telegraph Act of 1852 brought communications services under the purview of the government. Yet again, consolidation of control and convergence of technologies/media occurred. Canadian and American scholarship have further addressed the varied and uneven application of central public utility concepts such as universal access, must-carry, and common-carriage issues in more detail (see Wilson, 1992; 2000; Winseck, 1998; 2004; Verhoest, 2000; McChesney, 1993).

By grounding net neutrality solidly within the history of public utilities, the issue becomes more central to a program for media democracy, and the role of the Internet in

democratic societies. How well have news media made these connections? Further, if we agree that net neutrality is but one moment in an inter-connected politics of media democracy, which includes related issues such as municipal Wi-Fi, community broadband, and IndyMedia networks, then it is necessary to interrogate how well the media have made these connections in reporting on net neutrality, and thus to what extent the public has access to these discourses.

### **Media Discourses: Whither the Public Interest?**

William Melody (1990) asked about the state of public interest philosophy in telecom policy over two decades ago. We would like to echo his question here in relation to net neutrality: How and to what extent is the public interest and public utility philosophy included in popular discourse about network neutrality? In order to do this, we conducted a critical discourse analysis of major world news sources by a variety of searches in LexisNexis for “all available dates”. This time period would have been likely to encompass all important policy debates over the last several years. The rationale for using this database is that it logs the major newspapers, which is our central interest here, as we wanted to understand mainstream media discourses. Utilizing Fairclough’s (1995) framework for discourse analysis, as well as Kincheloe and McLaren’s (1994) concern with critical approaches to qualitative research, we are interested in how media discourses reflect wider socio-political values regarding the public interest and public utilities, the relationship between the news and an informed society, and most specifically, the mobilization of ideology and power of naming and circulating narratives and truths about net neutrality. We are particularly concerned with knowledge production about net neutrality and its relationship to public understandings. In the following section, we analyze several themes found in the news articles: the geography of coverage, the diluted nature of the public interest, public utilities as modern dinosaurs, the public as consumer, and (dis)connection to broader media issues. Afterwards, the focus group will be presented.

#### ***Geography of the Discourse***

In our search, “net neutrality” and “public interest” were combined in 123 results. Without attempting to simply conflate the term “public interest” with the concept, we mobilized this phrase in order to find specific dialogue about something more concrete than a vague sense of “public”, namely, the public interest. Further, we wanted to find out how the phrase is used, or not, to convey meaning to the public. In particular, we are curious about how well the media connects the “public interest” to historical policy and philosophical underpinnings in which we are interested, which validates the choice to use the search term “public interest”. Within these returns, the top 25 “most relevant” results, according to LexisNexis’ search engine, are listed in *Table 2*. It is easy to see that the most popular site of this discussion might not be located in the major papers of record, but rather in smaller, more niche-oriented trade magazines such as *TECHWEB* (which returned five articles) and *COMMWEB*, *RCR Wireless News*, and *Daily Deal* (each with three returns), which the general public is unlikely to read. Of course, this is not to say that the other 98 results were “irrelevant”. We realize that LexisNexis is a proprietary database, and does not include all papers. However, what we are suggesting is that the major papers that are located in LexisNexis, are not the location of vibrant discussion and debate that would inform the public.

**Table 2: Top 25 Returns for Net Neutrality and Public Interest**

<i>Publication</i>	<i>Number of Returns</i>	<i>Rank of Return</i>
TECHWEB	5	1, 4, 5, 7, 9, 21
COMMWEB	3	2, 3, 6
RCR Wireless News	3	8, 10, 20
Daily Deal/The Deal	3	11, 17, 19
Washington Times	2	13, 15
The Toronto Star	2	16, 24
The Washington Post	2	18, 23
Advertising Age	1	12
National Post's Financial Post	1	14
Adweek.com	1	22
Information Week	1	25

We then scanned the same set of 123 articles for major newspapers of record: American papers *The New York Times*, *LA Times*, and *Washington Post*, and major Canadian papers *The Globe and Mail*, and *The Toronto Star*. Of these major outlets, most articles occurred in the *Washington Post* (16 articles), which is seen largely as an elite “beltway” publication read predominantly by Washington insiders and politically minded individuals. *The New York Times* only contained two articles; three for the *LA Times*, four in the *Globe and Mail*, and one for *The Toronto Star*. These numbers hardly suggest a vibrant public discussion of net neutrality and the public interest, but rather an extremely rare public mention of the public interest.

### ***The Diluted Public Interest***

Beyond the placement of the concept, in digging deeper into how the public interest is discussed, its diluted meaning is apparent. In a vast number of articles, the phrase “public interest” was not activated in serious political philosophical discussion, but rather utilized merely to refer to “public interest groups”, as in: “But the debate still lines up telecoms and ISPs against public interest groups and Internet companies” (Perez, 2009: 18). Or, “said Gigi Sohn, president of Public Knowledge, a public-interest think tank that specializes in technology-related issues” (Weaver, 2006: 3). Moreover, “public interest groups” are often referred to, but not investigated, which leaves the question: What does it mean to be a “public interest group”, particularly in terms of net neutrality? Some articles contain quotes from “public interest group advocates”, which adds a bit more depth to the discussion, but few journalists actually choose quotes that critically link “public interest” to net neutrality.

There were several instances where “the public interest” was referred to as a concept, rather than in regards to “public interest groups”. One example is one of the two *New York Times* articles, in which the author stated:

Some I.S.P.'s are phone and cable companies that make large campaign contributions, and are used to getting their way in Washington. But Americans feel strongly about an open and free Internet. Net neutrality is an issue where the public interest can and should trump the special interests.

(Tollbooths, 2006: A14)

But what, exactly, is the public interest to this author? Apparently, something that is not “special interests”. This contrast may be partially true, but such an assumption might then imagine that any group is a “special interest” group, even groups that work on behalf of a socially just, democratic society. It remains unclear.

In the four *Globe & Mail* articles, a slightly more vibrant discussion ensues. Lilly (2004) quotes Ian Angus critiquing Bell Canada’s claim of acting in the public interest, and the corporate appropriation of the concept. Robertson and Hartley (2008) address the impacts of throttling on the public, and provide competing quotes from pro- and anti-net neutrality sources. However, the other two articles (Blackwell, 2009; Kapica, 2006) merely refer to public interest groups.

It becomes apparent that the muddled discourse surrounding “the public interest” dilutes “public interest” as a weakened, convoluted, almost meaningless concept, leaving readers with dimly illuminated understanding of the concept as applied to net neutrality.

### ***Public Utility, Modern Dinosaur***

Our search returned only 25 total articles that linked net neutrality and public utility philosophy. Of these, there is one in *The New York Times* and five in the *Washington Post*, yet none in the *LA Times*, *Globe and Mail*, or *Toronto Star*. One interpretation of this lack is that public utilities are indeed regarded as modern dinosaurs—outdated, inefficient creatures of the past. Such a move justifies their privatization, whether consciously meaning to or not. Thinking of the Internet as a public utility would, by definition, be moving backwards, instead of into the future “digital sublime” (Mosco, 2004).

Quite a few of these 25 articles do not really address public utility philosophy in the text. Rather, they were returned because of a comment by a public utilities commissioner. In fact, the sole *New York Times* article is simply a letter to the editor from a utilities commissioner from South Dakota, whose polemic argues that “net neutrality advocates have their own parochial reasons for manufacturing a crisis that doesn’t exist” (Cramer, 2009); the author does not actually address utility philosophy per se.

Several of the other more in-depth discussions of public utilities occur in the *Washington Post*, and one in the *New Yorker* (Surowiecki, 2006). Randolph May—president of Free State Foundation, a D.C.-area free-market policy institute—acknowledges that net neutrality is related to public utilities, and therefore should be dismissed. He essentially characterized public utilities as dinosaurs, which is the heart of the discourse in this section. May argued that net neutrality proponents are engaged in an “effort to straight-jacket the wireline companies”; “have targeted wireless broadband providers”; while also claiming, “logic does not drive net neutrality advocates. Targets of regulatory opportunity do” (May, 2007: A09). A similar argument went like this: “The Net is evolving in the image of its largely free heritage, something that many cheer. For those who see the need for something closer to a public utility, more ground is falling

away beneath you every day” (Krim, 2003: E01). In these quotes, it is possible to see that the polemic is meant to rhetorically construct net neutrality supporters as irrational, manipulative, illogical, behind-the-times, and in a losing battle.

In looking at this group of articles together, another impressionistic understanding of public utilities is presented, this time as an outdated concept.

### *Consumer Mentality*

Citizens or the public are largely characterized in these discourses as “consumers”, with the phrase “consumer interests” outweighing “public interest”. Such a shift denotes several important changes in social values. First, referring to individual “consumers” individualizes society. Second, persons are consumers rather than citizens, which commercializes and depoliticizes social issues and agency. Third, taken together, commercializing and individualizing fold directly into neoliberal ideology, such that there should be no surprise in widespread confusion over the proper arena in which to hold and solve debates. If, after all, this is a consumer issue, then one might think the market should be a more natural choice of space in which to discuss and solve the problem. Some adopt this stance to argue that “consumers” are pitted against “corporations”—at once critiquing corporate control, and yet are ceding ground to discourses of the market. Even “public interest think tanks” characterize citizens/the public as consumers (Weaver, 2006); for example, Ben Scott, of Free Press: “ironclad way to protect consumers and their right to the content of their choice” (Kang, 2008).

Another concern with consumer mentality discourse is that consumer is sometimes interchanged with user, American, and/or Canadian, such that no distinctions are made between these labels. For example:

If access tiering takes hold, the Internet providers, rather than *consumers*, could become the driving force in how the Internet evolves. Those corporations’ profit-driven choices, rather than *users’* choices, would determine which sites and methodologies succeed and fail. They also might be able to stifle promising innovations, like Internet telephony, that compete with their own business interests. Most *Americans* have little or no choice of broadband I.S.P.’s, so they would have few options if those providers shifted away from neutrality. Congress should protect access to the Internet in its current form. Senator Ron Wyden, an Oregon Democrat, says he intends to introduce an Internet neutrality bill, which would prohibit I.S.P.’s from favoring content providers that paid them fees, or from giving priority to their own content. Some I.S.P.’s are phone and cable companies that make large campaign contributions, and are used to getting their way in Washington. But Americans feel strongly about an open and free Internet. Net neutrality is an issue where the *public interest* can and should trump the special interests.

(Tollbooths, 2006: A14, *emphasis added*)

In this extended excerpt from *The New York Times*, one can see that users, consumers, and Americans are conflated, and are assumed to somehow represent the public interest, opposed to “special interests”. A consumer mentality will reappear in our discussion of the focus group below.

### ***Connection to Broader Issues***

The final point of analysis is to understand whether, and how, media discourses situate net neutrality as an isolated issue, or one that is connected to broader concerns for media democratization or other media reform issues.

In general, and unsurprisingly, news articles lack such a connection; their relation seems simply to be reflected in the upcoming agenda of the CRTC or FCC. There are a few that should be mentioned in more detail. Several articles (e.g., Orol, 2006), discuss at some length the relationship between net neutrality and media ownership consolidation, particularly regarding FCC Commissioner Michael Copps' attempts to link the issues. One *New York Times* article (Labaton, 2007: 3) briefly considers the public interest in wider concerns about the FCC "reduc[ing] sex and violence on television, and for failing to seriously review license renewals by radio and television stations". Of course, it does not work to concretely link how net neutrality could be related—if, in fact, it is. The linkage partially reifies the idea that all media regulation is lumped together—that content regulation is naturally related to license renewals, without problematizing that assumption as potentially politically contradictory or even largely unrelated.

In this news analysis, it is easy to see that several themes are highlighted in the articles, as they present a convoluted, surface-level, and at times hostile, view of public interest and public utility. Such discourses mobilize neoliberal ideologies too readily, and fail, in many instances, to engage significant philosophical questions. Of course, these discourses are not permanently fixed; they are contingent, shifting, and able to be impacted by varied sourcing and other critical journalistic practices, as well as alternative media sources and education campaigns. How the public comes to understand these issues through media discourses is essential. Thus, it is important to understand how the general public views net neutrality, as this will shed light on the level of net neutrality awareness, opinions on net neutrality, and the potential impacts on future policy.

### **Public Perceptions of Net Neutrality: A Focus Group**

As Barratt and Shade (2007) point out:

Despite significant grass-roots mobilization in the U.S. . . . there seems little in terms of a public viewpoint on this debate (Cook, 2007). In Canada, various public-interest groups are becoming involved . . . but it remains unclear what particular facet of this issue will rally Canadians to the cause. How does anyone relate to the idea of a "neutral network"?

What Barratt and Shade draw attention to is key, but largely overlooked in public and academic discussion: What is the public perception of net neutrality? How can scholars and activists educate the general public on this issue? Through what modes is the public being informed, and are they effective? Are there other ways to illuminate the important issues within discussions of net neutrality? In an attempt to address these questions, and in order to fully understand how net neutrality is addressed and its impact on the general public, we conducted a focus group to gauge public perception of net neutrality and related issues.

The aims of the focus group were exploratory in nature. Indeed, using the focus group to examine individuals' perceptions of net neutrality was an appropriate qualitative method, complementing the previous discourse analysis. As Rabiee points out, "the process of qualitative analysis aims to bring meaning to a situation rather than the search for truth focused on by quantitative research" (Rabiee, 2004: 657). In other words, the intent of the focus group is not to serve as a representative sample of the population, but rather, to generate discussion and provide insight about the complexity of net neutrality. In analyzing the data, Ritchie and Spencer's (1994) framework analysis was used, allowing themes to develop from the research questions as well as information from participants. Although this approach is rather systematic, it relies on the conceptual ability of the researcher to determine meaning, salience, and connections within participant data (Ritchie & Spencer, 2004).

A similar attempt at analyzing net neutrality through the use of focus groups was done by the Public Interest Advocacy Centre and Environics Research Group in 2009. In "Staying Neutral: Canadian Consumers and the Fight for Net Neutrality", Lawford, Lo, and De Santis (2009) analyze the results of six focus groups centered on the topic of net neutrality. Although Lawford, Lo, and De Santis effectively investigate participants' understanding of net neutrality, they examine and draw conclusions about net neutrality from the perspective of the consumer. Our focus, on the other hand, was to examine net neutrality from a citizen, rather than consumer, perspective. In other words, our aim was to ask basic questions about net neutrality, but also to see whether participants viewed the Internet as a public utility. If they did conceive of the Internet as a public utility, our goal was to understand how this impacted their views on the level of importance of the issue, and on the democratic nature of the Internet itself.

The focus group was comprised of five second-year undergraduate students in communication at a Canadian university. This group was chosen because participants were assumed to have a base level of media issues awareness, likely having taken courses that would introduce them to the histories and development of media issues such as net neutrality. Participants were not chosen based on their expertise in the field, as they were unlikely to have explored specific media issues in depth. Our goal was to spark discussion amongst a pool of individuals who would be able to grasp general concepts such as public utility, and apply them to net neutrality. Through our engagement with the group, and their willingness to think of basic public utility philosophy and its usefulness to the net neutrality debate, our aim was to consider the possibilities for public education regarding this way of thinking. Focus group participants were asked several questions on important issues in Canadian media, the Internet, and net neutrality. Mid-way through the session, in order to facilitate discussion on net neutrality, a two-minute video clip on net neutrality was shown.

To begin the general discussion, the first question posed to the focus group was what they thought the most important issue facing Canadian media was. One participant said censorship, while others discussed problems of "Americanization", and even questioned what was meant by the term "Canadian media". More discussion ensued about issues of privacy and social networking, but net neutrality was not mentioned at all.

When asked whether or not participants had heard of net neutrality before, recognition of the term itself was very limited. The term was somewhat familiar, but participants were confused, and unsure of its meaning. We then showed a two-minute video clip summarizing the basic premise of net neutrality (Save the Internet, 2009), and after viewing the video, participants appeared to have a somewhat better recollection of the term. In regards to where they accessed

this information, some participants had discussed net neutrality in a class, but no one had been informed about the issue through any type of media.

Aside from the lack of information given by media, it became evident that net neutrality was a difficult issue to grasp. Participants described net neutrality as “too complex” and “too abstract”. One participant asked, “how will it benefit me? What will I get out of it? What groups are we talking about?” (Focus Group, 2010, March 9). As such, it became evident that most participants were unsure as to who is affected by net neutrality and how they themselves would be affected at the individual level. One participant referred to net neutrality as a buzzword, one that “goes in and goes out” (Ibid). From this, we can see a lack of information being circulated on issues surrounding net neutrality, but also a significant lack of clarity about the issue itself.

Nonetheless, as discussion ensued, the problematic nature of net neutrality became somewhat clearer. A few of the participants commented on problems surrounding diversity on the Internet, stating that there would be a lack of diversity in the future “if only a few conglomerates own the pipes” (Focus Group, 2010, March 9). Further, one participant commented that it would be unfair to smaller companies if tiered access were to occur, as “smaller companies wouldn’t have the money for the fast lane” (Ibid).

Notably, one participant questioned how democratic the Internet was to begin with, and questioned the current state of control on the Internet. A few expressed concerns over what they perceived as corporate interests controlling the Internet and its content. As one participant put it, “how democratic is it already? It’s hard to make it truly democratic when it’s all about the bottom line” (Focus Group, 2010, March 9). The possibility that commercial interests were capable of influencing Internet users access to content, such as peer-to-peer file sharing, was a concern to some participants. As one participant commented, “it’s all about conglomerates wanting a larger piece of the pie” (Ibid). Similarly, one participant added, “net neutrality is about keeping the Internet out of the hands of few people” (Ibid).

At this point in the discussion, it became apparent that the focus of the conversation had shifted from an individualist perspective to participants considering the impacts of net neutrality on a more macro level. In order to forward this way of thinking about net neutrality and the Internet, it seemed appropriate at this point to ask participants if they had ever considered the Internet to be a public utility. Most had never thought of the Internet this way, but after an explanation was given as to how to understand the Internet as a basic utility, discussion ensued about the implications of the Internet in this light. A few participants thought that if the Internet was considered a public utility, then the Internet should be publicly owned. Participants expressed views about government regulation, positing that if the Internet is considered a public utility, it should be low-cost, and regulated by the government. As one participant stated: “There should be more government intervention . . . corporations control the Internet. We would need to rework the Internet if it were a public utility . . . it would need to be mediated” (Focus Group, 2010, March 9). Similarly, another participant concluded: “The importance is growing as we become more media saturated and everything has an online derivative. It’s almost natural for conglomerates to capitalize . . . but it’s important to keep it out of the hands of the few people” (Ibid).

Although all participants were largely unaware of net neutrality, they were able to grasp the issues discussed in the focus group and became engaged in the discussion, particularly when seeing how net neutrality could affect them at the individual level. Furthermore, when discussing the Internet as a public utility, participants showed a growing concern for net neutrality and the future of the Internet. If participants were able to engage in the net neutrality debate by

conceiving the Internet as a public good via public utility philosophy, then this may solicit further public pedagogy of net neutrality. As a result, awareness of net neutrality could potentially gain more salience as an important issue, and public interest groups supporting net neutrality policy could garner further public support.

However, the lack of awareness about net neutrality is highly problematic. The focus group was comprised of communication studies students in a university, a group who, given their field of study, could be expected to have a more developed sense of the important issues facing the Internet. This lack of knowledge is troubling, and poses serious questions to the level of awareness amongst the general public (in addition to the efficacy of communication courses). Indeed, the lack of media attention given to net neutrality is a substantial part of the problem. In sum, much more awareness is needed about net neutrality, and those providing the information need to be aware of the complexity of the issue, who they are addressing, and how. All of this would aid the public in deciding on the importance of net neutrality as a policy issue.

## **Discussion**

Our brief study has attempted to “make explicit the relations between discourse and knowledge” (van Dijk, 2003: 85). We are not arguing that there is a total absence of media coverage about net neutrality, the public interest, or wider philosophical questions regarding the Internet and democratic life. In fact, the alternative press often carries stories about net neutrality from a critical perspective. Rather, we are attempting to demonstrate that in general, there exists a paltry amount and poor placement of coverage. Further, most of the coverage of net neutrality presents confusing, largely ahistorical, and relatively obtuse articles that do not illuminate all of the contours of the issue. It could be possible that journalists do not understand the issues and histories. Vaidhyanathan (2006) made a similar point about the poor news coverage of intellectual property. Such a problem is necessary to remedy in order to present important issues in an intelligent manner.

The implications for these findings are born out in the focus group. Poor coverage does not lend itself to a critically informed and engaged public, who instead, mirror the lack of news and confused stories presented. There is hope, however, as evidenced by the willingness of participants to learn quickly from brief video clips and discussions. The implications for public education and policy are clear. Incorporating a more complex presentation of net neutrality, in more places accessed by the public, will help inform and engage the public.

This article therefore contributes theoretically to the understanding of democratic media issues by suggesting a strong link, theoretically and methodologically, between political economic concerns regarding net neutrality (such as public access and control), ideology, media discourse and public knowledge. Understanding the historical machinations of policymaking and media coverage, one can also view public sentiment as ideologically influenced, yet mutable, given more critical and historical information. We hope to have illuminated a more complex understanding of what may seem like public apathy or malaise, as these are embedded in media discourses that favor neoliberal and ahistorical treatment of net neutrality.

In 2005, the U.S. Supreme Court upheld an FCC decision that categorizes the Internet as, “interstate information services that should be largely unregulated, not telecommunications services subject to traditional public utility nondiscrimination obligations and rate regulation” (May, 2007). Thinking through and beyond this ruling will become more important as net neutrality legislation unfolds in the U.S. and Canada. It is essential to critically analyze policy

and legal decisions with an eye for democratic life, rather than cede the discussions to market rhetoric and behavior. With an informed and engaged public, this will be possible.

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