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寬頻網路之開放接取與競爭政策

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摘要

寬頻網路技術的發展，為消費者帶來更快速且多元的資訊傳輸服務，但提供寬頻傳輸的有線系統業者，卻開始透過策略聯盟、併購及排他性合約之交易方式，將其影響力擴展至網路服務提供者市場，並進而限制消費者選用不同網路服務提供者的自由，因而許多論者開始憂心，此種發展趨勢將使數位網路產業原本的市場競爭及技術創新機制遭到破壞，故政府應對有線系統業者課與開放接取之義務，但亦有持不同意見的論者認為，對於發展快速且市場結構尚未成熟之寬頻傳輸市場，政府不應貿然介入管制。

本文除介紹美國聯邦通訊委員會對前揭議題之政策立場外，並從市場競爭、政府管制及網路技術架構之角度，分析學者間之不同見解及該管制議題之複雜性，並兼論及我國寬頻產業管制政策上之發展及挑戰。最後本文以為，管制者除須維持市場之競爭機制及促進創新之網路架構外，尚應將不同面向之管制因素作出仔細評估，方能制定出符合網路產業長遠發展及社會整體福祉之管制政策。

關鍵詞：開放接取、競爭政策、有線數據機、數位用戶迴路、寬頻網路、網路服務提供者、美國聯邦通訊委員會、美國聯邦貿易委員會、科技創新、搭售、數位匯流、點對點架構

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Broadband Network Open Access and Competition Policy

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Abstract

The broadband technology has facilitated users diversified and speedy information transmission. However, more and more cable companies begin to expand their market powers into ISPs market through mergers, acquisitions, strategic alliance, and exclusive agreement. Such business arrangements not only discriminate unaffiliated ISPs but also limit the possibilities for consumers to choose their own ISP companies. Proponents of the open access movement are worried that the vertical integration between cable companies and ISPs would impede competition and innovation while opponents are of the opinion that government shall adopt a hand-off policy toward the immature broadband market.

This study first introduces the case-by-case policy position of FCC on the broadband open access issue. Besides, it analyses different opinions and debates from the viewpoint of market competition, regulatory policy, and the Internet architecture. Coming back to the regulatory scheme of Taiwan's broadband network, it is also facing challenges from the convergence of cable TV and telecommunications services. The main difference of broadband market structure between Taiwan and United States is that the dominant player in Taiwan's broadband market is the telecommunications giant Chungwha Telecom with unrivaled coverage of ADSL network while the main concern of the later is the market power posed by cable companies. This study concludes that for the sound development of the Internet and social welfare, not only shall the regulators maintain the mechanism of competition and innovation, they shall also take each related dynamic factors into serious consideration before they frame the regulatory scheme.

Key words: open access, competition policy, cable modem, DSL, broadband, ISP, FCC, FTC, technology innovation, tying, digital convergence, end-to-end architecture

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