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regulating digital platforms in the same way as other industries does not have to mean that consumers are subject to equal or near-equal treatment. consumers still benefit from the platforms and services that dominate the digital economy, but we should not be beholden to the digital platforms that dominate the digital economy. 247 consumers should be able to take advantage of the benefits of online services without having to also live in a digital-only economy. any regulation on online platforms should be premised on the value created by these platforms to users, rather than the services they provide. if digital markets are to be truly efficient, this means that many different platforms and businesses are subject to common standards. these standards should be guided by the same principles that guide modern industrial regulation and antitrust law, as well as by the principles outlined in this report. the second threshold of \$5.5 billion in 2017, the number of u.s. online businesses in the top 500 largest, and \$14 billion in 2018, the number of u. consumers using a top 500 online business all reflect european commission proposals that also set thresholds for economic importance, scaled to u. market size. a threshold of \$25 billion in u. market size or \$60 billion in u. market capitalization for digital platforms, which would probably approximate the digital markets act threshold of 35 billion, might be reasonable in the context of the eus digital markets act. in contrast, a threshold of \$50 billion in market size or \$100 billion in market capitalization for digital platforms, which would probably approximate the digital markets act threshold of 65 billion, might be reasonable here given the lower growth expectations of the eus digital markets act. the us digital services market size and growth rate may be expected to be smaller than these figures, but this still might serve as a reasonable threshold for economic importance.



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an essential service is a

service that is necessary for people to live a normal life. essential services include the following: a. healthcare; b. education; c. communication; d. banking and financial services; e. health insurance; f. transportation; g. water; h. power; i. sanitation; j. information; k. gas; l.

food; m. shelter; n.
access to information; o.
employment; p. access
to legal services; q.
personal finance
management; r. access
to the internet; s. access
to food; t. access to
education; u. access to a
post-secondary
education; v. access to
healthcare; w. access to
justice; x. security; y.

access to government services; z. access to employment; a. digital markets have also been the site of massive policy reversals. in the 1990s, policymakers believed that platforms could not be held accountable for violations of intellectual property. 147 they assumed that the only way to regulate the

internet was through principles of network neutrality. 149 this was a simplification of the network neutrality debate and ignored the fact that isps and network operators were already subject to rules that prohibited them from discriminating against or blocking content or applications

150 or engaging in network management practices that harmed others. indeed, network neutrality was a solution to a problem that did not yet exist. 151 even worse, the policy was based on the false assumption that the internet was a neutral space in which the isps and internet companies

had no power to shape the internet. in fact, most people on the internet were dependent on the isps to deliver services. 152 as a result of this policy shift, americans were left without the protections that were already in place. 153 the federal government began to systematically eviscerate

these protections
through a series of policy
actions that left
consumers, innovators,
and digital creators with
fewer, not more,
protections. 154
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