I have read the public draft of the “Restoring Internet Freedom Fact Sheet”, and here I comment on the topics on that sheet I understand most clearly and feel most strongly about.

Paragraph 28 of the Restoring Internet Freedom Fact Sheet seeks comment on how consumers use broadband internet access. I personally use it for all of the following: learning the German language, learning about electronics, supplementing the material I learn in college courses (especially when I don’t understand it), completing homework more easily (due to Google Drive making my work accessible anywhere), maintaining contact with both friends and acquaintances (i.e. Facebook), a wide range of miscellaneous communication purposes (gmail), and for entertainment purposes.
Paragraph 28 also seeks comment on whether a consumer could access these services without internet access services. I personally would not be able to do any of the things I have listed without access to the internet.

Paragraph 73 seeks comment on whether the internet conduct standard benefits consumers. The internet conduct standard absolutely and undeniably benefits consumers. ISP’s should not be allowed to block or hinder in any way consumers’ access to legal internet content and services, and those that try to do so should be prosecuted to the full extent of regulatory law. Paragraph 73 also seeks comment on whether “eliminating the Internet conduct standard will promote network investment and service-related innovation by eliminating the uncertainty caused by vague and undefined regulation”. Firstly, eliminating the conduct standard would not promote network investment or service-related innovation. Secondly, even if eliminating the conduct standard actually did lead to either of those things, it would not be because of the elimination of uncertainty, but because of the elimination of competition through the unfair practices of throttling, paid prioritization, and outright blocking. The leading ISP’s today have enough manpower to know very well whether they’re “unreasonably [interfering] with or unreasonably [disadvantaging] the ability of consumers to reach the Internet content [...] of their choosing”, and the idea that, say, Comcast or Time Warner could “innocently” and “accidentally” infringe on these consumer rights is frankly laughable. The United States has a fair and just judicial system, so the smaller ISP’s who lack extensive manpower would NOT be torn apart by the law, as long as they don’t actively try to infringe on consumer rights. Thus, neither small nor large ISP’s are currently dissuaded from making network investments or service-related innovations by the internet conduct standard.

Paragraph 74 seeks comment on “whether [the internet conduct standard] has impacted innovation, and what impact that has had on consumers” as well as “whether eliminating [the internet conduct standard] will spur innovation and benefit consumers”. The internet conduct standard has not impacted real, useful innovation. The only “innovations” it has affected are those that allow ISP’s to unfairly exclude their competition and form monopolies. Thus, it has helped consumers by keeping them safe from the myriad issues that come from monopolized services. Eliminating the standard will not spur innovation or benefit consumers in any way.

Paragraph 75 seeks comment on whether there is “a need for any general non-discrimination standard in today’s Internet marketplace” and, if so, what it should be. There is a need for a general non-discrimination standard in all internet marketplaces, today’s marketplace included. The current standard is sufficient.
Paragraph 75 also seeks comment on whether the internet conduct standard should be replaced with the prohibition of “commercially unreasonable practices.” As this phrase is broad to the point of meaninglessness, the internet conduct standard should not be replaced with this.

Paragraph 77 seeks comment on whether we should adopt “ex ante rules, expectations regarding industry self-governance, or ex post enforcement practices”and whether they should “vary based on the size, financial resources, customer base of the broadband Internet access service provider, and/or other factors”. When a potential threat to consumer rights is identified, ex ante rules should be implemented. When an unanticipated threat comes to fruition, ex post rules should be implemented. Expectations regarding industry self-governance should be put in place to encourage ISP’s to follow both ex ante and ex post laws, but industry self-governance should be entirely secondary to actual, written laws because merely hoping that ISP’s will treat consumers well without laws obligating them to do so is ineffective. The rules/laws and industry self-governance practices should not vary based on the size, customer base, or any other factor, of any ISP. Otherwise, differential enforcement would set a precedent of certain companies being “under” or “over” the law, and would allow ISP’s to circumvent them. For example, if certain rules were only applied to ISP’s of size X and above, what would prevent ISP’s larger than X from splitting into several “separate” ISP’s, each smaller than X, but which “cooperate” or “share profits” or “share infrastructure” with one another?
Paragraph 77 also seeks comment on “whether rules are necessary for or burdensome on smaller providers.” Rules are necessary for all ISP’s, regardless of size. If certain regulations that have been deemed fair and necessary for larger providers are “too burdensome” for smaller providers, why should it matter if those smaller providers cannot run? A family-owned construction company that fails to follow OSHA safety procedures and gets someone killed wouldn’t be excused because it’s “too small”, so why should “too small” ISP’s be exempt from the law?

Paragraph 79 seeks comment on whether “a codified no-blocking rule is needed to protect [various freedoms]” since many ISP’s voluntarily abided by no-blocking rule with no obligation to do so. A codified no-blocking rule is undoubtedly necessary to continually protect internet freedoms. Sure, ISP’s have voluntarily abided by no-blocking rules in the past, but no one can say for certain how they will act (or try to act) in the present or the future.
Paragraph 79 also seeks comment on whether “ we have reason to think providers would behave differently today if the Commission were to eliminate the no-blocking rule”. Maybe we do, maybe we don’t. It doesn’t matter how we think providers will behave today. Even if they abide by the no-blocking rule without being obligated to today, they could just as easily stop abiding by it tomorrow. Removing the rule is like detoothing the police force so that, instead of preventing crimes, we can merely hope they don’t happen.

Paragraph 79 also seeks comment on whether “the no-blocking rule is necessary for or burdensome on smaller providers”. As I have repeatedly expressed, whether an ISP claims to be “too small” to follow the law is irrelevant. An ISP must either follow the law, or face the consequences of breaking it. No exceptions.

Paragraph 81 seeks comment on “the best means to achieve [a free, open, and dynamic Internet] consistent with the goals of maintaining Internet freedom and maximizing investment”. Maintaining the current Title II Order regulations is the best way to achieve this outcome consistent with those two goals.

Paragraph 82 seeks comment on whether “[the No-Throttling Rule] is still necessary, particularly for smaller providers”. The no-throttling rule is still necessary, even for smaller providers. No ISP should be allowed to throttle access to internet pages, tools, content, etc. on the basis of what they are—that is, what company they come from, what organizations they are affiliated with, what (legal) purpose they serve, and so forth—under any circumstances. However, ISP’s should be allowed to throttle bandwidth in cases where a single individual causes a significant strain on the network which negatively affects other consumers’ internet access. For example, if a single person initiated such a massive series of concurrent downloads that the ISP was unable to continue providing unfettered internet access to other people in the area, the ISP should be permitted to throttle that person’s internet access in order to maintain the quality of the other people’s internet access.
Paragraph 82 seeks comment on when throttling is harmful to consumers. It is harmful to consumers whenever it is done to a consumer who is NOT doing something that hinders the ISP’s ability to provide internet access to its other customers. In different words: throttling is fine if and only if it is done to an individual to allow the consumer community at large to have unfettered access to the internet.

Paragraph 83 seeks comment on whether the continued existence of the no-throttling rule could “negatively impact future innovative, pro-competitive business deals that would not by themselves run afoul of merger conditions or established antitrust law”. The continued existence of the no-throttling rule will not negatively impact innovative or pro-competitive business deals. Besides the single, purely utilitarian use I mentioned above, there are no justifiable uses for throttling. Throttling consumers’ access to an ISP’s competitors’ content (or any other arbitrarily-designated content) is inherently anti-innovation and anti-competition.

Paragraph 84 seeks comment on the continued need for a no-paid-prioritization rule and the FCC’s ability to retain it. Such a rule is absolutely necessary. Just because several ISP’s stated that they had no plans of implementing paid prioritization doesn’t mean they were telling the truth, or that their plans haven’t since changed, or that all other ISP’s also have no such plans. The Federal COMMUNICATIONS Commission absolutely has the authority to retain such a rule.

Paragraph 85 seeks comment on “the trade-offs in banning business models dependent on paid prioritization versus allowing them to occur when overseen by a regulator or industry actors”.

The trade-off in banning these business models is that, while the consumers will retain their unfettered, free access to the internet, the ISP's will not be able to get rich at the consumers' expense while providing literally nothing of use or value. That is to say, there is no trade-off. There are only positives when banning paid prioritization. Using a regulator or an industry actor to regulate paid prioritization is begging for corruption and inadequate regulations.
Paragraph 85 also seeks comment on whether there is "a risk that banning paid prioritization suppresses pro-competitive activity". Banning paid prioritization poses no risk of suppressing pro-competitive activity.
Paragraph 85 also seeks comment on whether allowing paid prioritization could "give Internet service providers a supplemental revenue stream that would enable them to offer lower-priced broadband Internet access service to end-users". Allowing paid prioritization would, in fact, give ISP's a supplemental revenue stream, and with that revenue, it is technically possible that they could use that revenue to offer lower-priced internet access to consumers, in a perfect world. However, in the real world, the chance that ISP's will actually use the revenue from paid prioritization to offer lower-priced internet access is so astronomically low that it would be foolish to allow it on the off chance the consumer might benefit from it. Allowing paid prioritization is akin to a hunter firing a round of buckshot straight into the air in the hopes that he'll hit a deer: it's technically possible, but realistically, it will never work, and he's probably just going to hurt himself.
Paragraph 85 also seeks comment on how new startups and innovations will be affected by paid prioritization. New startups and innovations are not being hindered and will not be hindered by upholding the ban on paid prioritization, but they will be hindered if the ban is lifted and paid prioritization is allowed.
Paragraph 85 also seeks comment on whether paid prioritization could "enable certain critical information, such as consumers' health care vital signs that are being monitored remotely, to be transmitted more efficiently or reliably". While paid prioritization would allow such information to be transmitted more efficiently or reliably, free prioritization for services that are recognized as important to the function of society—such as hospitals—would have the same effect without leeching funds from life-saving services.

Paragraph 94 seeks comment on "whether mobile broadband should be treated differently from fixed broadband". Mobile and fixed broadband should not be treated differently. There are no legal, technical, economic, or other reasons to distinguish between the two in the upholding of rules and laws.
Paragraph 94 also seeks comment on whether the assertion that "competition for mobile broadband service adequately restrained [the unfair, anti-competition, consumer-harming, etc.] behaviors of mobile Internet service providers" is true in today's marketplace. It is utterly irrelevant whether this is true in today's marketplace. If it is true that mobile ISP's business practices are already restrained from being harmful, then the introduction of laws to restrain their behaviors from being harmful in the ways they are already restrained will make no difference to the ISP's, and fair, pro-consumer, pro-competition business practices will continue. However, if it is NOT true that their harmful practices are already restrained (i.e. if they are currently taking part in harmful business practices), then it is obvious that their harmful business

practices be restrained from being harmful. ISP business practices may be harmful or beneficial at any given time, but the safeguards against harmful behaviors should never be lifted.

With regards to no specific paragraph, I would like to state my desire that current rules which uphold Net Neutrality continue to be enforced. I want the internet to remain as free as possible. I don't want to ever have to buy access to webpages like cable channels. The implementation of such a system could never be anything but an act of greed on the part of ISP's underlaid with contempt for the consumers. Such a theft from American consumers should not be tolerated, let alone enabled by, the FCC or any other regulatory body.

Sincerely,

Nicholas Stephen Muise