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July 9, 2017

Public filing re: Proceeding 17-108
Chairman Ajit Pai and FCC rulemakers
Federal Communications Commission
Washington, D.C.

Dear Chairman Pai and others to whom it may concern:

I am writing to register my strong disagreement with proposed rulemaking at the FCC that would roll back or remove entirely protections of Network Neutrality by Internet Service Providers (ISPs). In particular, equating the abandonment of Network Neutrality as “restoring Internet freedom,” (Pai, 2017) is both disingenuous NewSpeak and factually erroneous; the Internet has been characterized by exceptionally democratic organizing principles since its inception. Without the RFP process organized by the Internet Engineering Task Force (IETF), we would not have the Internet as we know it today. The IETF is an excellent example of how a small network can provide self-organizational principles to provide interoperability as the system grows. With the current scale of the Internet, as well as its international scope, it is now an obvious requirement that the Federal government, via the FCC, provide common-sense regulation similar to that of the IETF. But we should also insist that *our* internet be characterized by the same democratic principles that our founding documents insist upon, and which the early Internet espoused as design principles. As you know, FCC rules in force since 2015 have treated ISP traffic handling under Title II of the Communications Act of 1934. While this venerable act was passed long before the technological advances of digital network provided the foundation for today’s Internet, the principles underpinning its intent *remain just as relevant today as they were nearly a century ago*: Title II classification of ISPs as providing “telecommunications services” is a self-evident labeling of the functionality that an ISP provides its customers. I purchase ISP services so that I may connect to whatever sources of information, entertainment and other data that I choose, and insist upon a common-sense understanding that my ISP should not hinder my decisions and actions as a consumer.

This filing is not the proper venue for discussion of the dangers posed in a modern democratic society by media consolidation placing telecommunications services such as ISP connectivity to homes and businesses alongside content creation and delivery services; however, I underscore the importance of retaining the Title II classification of ISP services, along with its concomitant requirement that *ISPs provide a traffic- and source/destination-agnostic treatment of data traversing its networks*. I strongly assert that as a provider of home or business connectivity, an ISP is a *common carrier*, and cannot provide favorable terms to some content or traffic at the expense of others. This basic principle of fairness needs to be maintained, insuring that the internet remains open and fair for all speech and content providers: anything less is frankly undemocratic and will ruin the Internet’s potential as the new public square for our nation.

The need for effective regulation of ISPs by the FCC is an absolute requirement due to the fact that many US Citizens have little or no choice in selecting an ISP. As of data through June, 2015, the FCC itself reported very little competition among ISPs providing high-speed broadband internet access. (Brodkin, 2016) With so little

choice available to consumers, a real danger exists should Title II regulation of ISP behavior be rescinded. The “digital divide” that still exists (few or no options for low-cost broadband access by households at the low end of the income scale), coupled with lack of choice in ISPs would yield a toxic mix of undemocratic degradation of consumer services should Network Neutrality be abandoned as a guiding principle of US Internet policy. An additional source of concern is the American Legislative Exchange Council’s support for state legislation restricting the ability of municipalities to provide independent broadband network connectivity for their citizens. (Igonzalez, 2017) These efforts to maintain or establish corporate monopolies on broadband services underscore the importance of effective Federal control on ISP behavior, at least until the nationwide ISP market has broad enough competition for consumers to have effective choices. Chairman Pai has also erroneously cited evidence that smaller ISPs have curtailed innovation due to Network Neutrality requirements. In truth, many smaller ISPs welcome Title II regulation, as it is meant to “curtail the anti-competitive conduct from incumbent monopolists like Comcast, AT&T and Verizon.” (Falcon, 2017)

Beyond the common-sense consumer protection requirements outlined above for continuing and strengthening Network Neutrality guarantees for ISPs, there is also a First Amendment argument for the preservation of Free Speech online. (McSherry, 2017) I contend that this is so important as to provide a moral dimension for the preservation of Network Neutrality. The FCC has been derelict in its duty to preserve the diversity of speech and communication through several decades of creeping media consolidation. Many communities now have little or no local news coverage as their newspaper, radio and television stations were bought up by corporate conglomerates. The concept of the airwaves as public property, with the privilege to broadcast provided to businesses, has eroded as well. We now stand at the brink of having the Internet suffer a similar fate. The Internet is possibly the most transformational technology platform ever deployed, but the corrosive effects of unlimited corporate spending to influence public servants and government regulators is a danger that must be reined in. I urge that you reconsider any attempt to roll back Network Neutrality regulations, and instead encourage FCC rulemaking to reflect the Internet’s potential as the 21st Century’s true democratic community of ideas and commerce where all comers are treated fairly and with respect.

Sincerely,

Michael A. Chupa

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