

Dear Chairman Pai:

By virtue of the Commerce Clause in the United States Constitution, the federal government is endowed with the right to regulate activities related to interstate commerce. The Federal Communication Commission is charged with the appropriate regulation of commerce as it relates to interstate communication systems. Historically this has included television, radio, and telephone. Regulations exist to protect the consumers against potentially unscrupulous corporations who are more interested in providing a good return on the investment of their shareholders than they are in providing a quality service to the consumer. What such corporations often fail to realize, however, is that the value of their stock quickly becomes worthless without the constant revenue stream derived from consumers.

In light of previous attempts, and ongoing threats, by large internet service providers, to throttle or restrict access to certain websites or other internet resources unless those entities pay a ransom or “protection money” to the internet service provider. Net neutrality regulations have been implemented in the past at the request of the vast majority of consumers to ensure that their access to internet sites and other resources remains unaffected by the preference of the service provider to whom they are paying a monthly fee. For such restrictions to be permissible would be akin to the telephone provider being permitted to allow variable telephone service quality depending upon whether the recipient of a phone call has paid an additional fee to the telephone company. If I, as a consumer, have paid for telephone service, why should my ability to call whomever I wish (within the calling area described in the service agreement, or within any applicable limitations regarding duration of such phone calls) be restricted by the company which has agreed, by contract, to provide telephone service?

Similarly, if I, as a consumer, have paid a fee for access to the internet through a service provider's servers, how may it be permissible for the service provider to decide which websites and other internet resources I can access at the broadband speed I am paying for? Ideally, this question should remain outside the scope of governmental regulation. Ideally, service providers would recognize the contract with their consumers for what it is and grant equal access to all resources without discrimination, within the scope of the terms of the contract with regard to limitations on quantity of data accessed, for instance.

I generally believe that consumers should be responsible for understanding any agreement into which they enter. That may include an understanding, stated plainly by the internet service provider, that certain services are going to be throttled or otherwise restricted within the terms of a particular agreement. However, it is well known that in a contract between an individual and a large corporation, the large corporation has at its disposal crafty attorneys who essentially hold all the cards and are at liberty to phrase such contracts in a way as to make it almost impossible to predict which internet resources are likely to be restricted on any given day. I am sure that you are aware that large corporations, such as Verizon, employ numerous attorneys to construct contracts in such a way as to protect their corporate interests over the interests of the consumers.

For consumers, it is impractical and would be prohibitively expensive to hire an attorney to represent them as they enter into such contracts. We consumers, therefore, rely on the honesty and scrupulousness of corporations to deal with us fairly. And because we consumers recognize that, unfortunately, not all corporations can be expected to develop and abide by contracts that accurately represent their advertising, we have asked our government to intervene, minimally, and advocate on our behalf to demand that the corporation develop and abide by a fair contract.

In terms of the concept of net neutrality, we consumers appreciate the fact that the government has stepped in and required that the internet service provider not be permitted to throttle or restrict service based on the content the consumer is attempting to access. We appreciate the fact that the government is holding the internet service providers responsible for providing services to consumers commensurate with our expectations. We appreciate the fact that the government is not permitting the service providers, whom we as consumers are paying, to place the interests of their shareholders above the interests of us consumers, the ones who are paying them and enabling their businesses to stay afloat in the first place.

Many arguments have been advanced for and against the repeal of the decision of 2015 assigning the regulation of the internet to the FCC under Title II rules. Those arguments favoring repeal of the decision outlined in the memo from the chairman's office and posted on the FCC website, frankly, are not compelling. The arguments presented debunking the "myths" of the anti-repeal, pro-net-neutrality faction are clearly crafted by one who has the best interest of the corporation and its shareholders in mind, not the consumer. I reject any suggestion that "deregulating" internet service providers will benefit the consumer. (By the way, the 22 ISPs who contacted the FCC with regard to their inability to expand infrastructure because of the current regulations are all exempt from these regulations because they have fewer than 250,000 subscribers, so you really can't argue that smaller providers are adversely affected and that consumers would benefit from relaxed regulation in this case.)

I know that millions of Americans have responded to the Federal Communication Commission's request for comments on this issue. I know that the majority of responses received by the FCC are in favor of maintaining net neutrality. It is incumbent upon the federal government, in the spirit of the United States Constitution, to protect the rights of the disadvantaged. In this case, the consumer deserves to be protected from the predation of the mammoth corporations that rule access to the internet.

I ask you to please make no changes to the current regulations governing the behaviors of internet service providers. The consumers of the nation collectively request that we be protected from the ability of said providers to exert any control over the content we have already paid to access. I submit the additional observation that no further regulation appears to be necessary to maintain the balance currently in place. I see no reason for additional government involvement in the regulation of this industry. We all know that the government has its fingers too deep in too many aspects of individual Americans' lives. Leave things how they are in the world of internet service and find somewhere else to help the government withdraw its regulatory grip on the nation.

Sincerely,

Carlos Buckner, MD