Dear Madam or Sir,

I am writing in reference to the proposed rollback of the recently adopted Net Neutrality laws under discussion. I present myself not merely as a consumer that would be harmed by the changes in these regulations, but also as an industry professional that would suffer harm as well – both industry wide, as well as personally.

As CTO of Plum Television, I was charged with many projects that quite simply would not have been possible if the net had not been effectively neutral at the time, which would have utterly quashed our ability to be in business, let alone compete with any of the traditional cable TV properties. One scenario in particular that comes to mind is when HLS had first been released by Apple. We had previously been serving live assets via Flash only. To reach the new iOS platform, we had to add this new stream type, and for however many bitrates we wanted to support adaptively, meant that much more bandwidth we would have to use – and we had to get this done in a time line where the months it would have taken to drop in dedicated capacity from the local telco would have required construction and months of delay from when we needed our stream to launch, if the project was even determined viable by the local provider. And was quite frankly prohibitively expensive for us to even really consider.

The issue was especially pronounced in our Aspen market where we were producing and streaming a live morning show called “Top of the Mountain.” In this production, our schedule coincided with the “high season” for the market, meaning the town population would exponentially grow, and the entire market (whose sole connection to the outside world through the local cable TV provider was 1 synchronous DS3, meaning 45 Mbps total available shared bandwidth upstream and downstream to all the customers on the local cable broadband provider) would experience frequent connectivity issues ranging from extreme latency to timed out (failed) network requests. This is just an explanation of the backstory and inadvertently, a bit of a parable about the sad state of broadband readiness in the United States.

With an open net, a tough use case to address and not a lot of money to put towards the project, we solved the problem by engaging with a network shaping technology provider, which used packet prioritization technology to assure our stream remained stable in spite of the available bandwidth. If the local provider had been able to prioritize their traffic above our own, we never would have achieved success. The architecture worked - we were able to create a viable delivery mechanism to support our business that at the time, only the biggest and well funded of media companies were even attempting to tackle, and we did so on a shoestring where my more well funded peers were struggling with millions of dollars to burn.

This is obviously a bit of a different scenario than is typically articulated when discussing net neutrality, which is more about the delivery side to the end user, and providers who want to reach them. But net neutrality cuts both ways, if we say the cable companies own the lines rather than them existing in the public domain as a utility, we effectively hand the well funded industry and it’s very effective lobby a complete and total monopoly over delivery online.

Since my days as CTO at Plum, I’ve moved into Solution Architecture, representing a variety of online delivery and analytics products that target media and entertainment companies, among others. I even got pretty far down the path of an interview process with ComCast to be one of their first reps to sell ComCast’s “CDN,” which in reality was simply a mechanism for the company to block and prioritize traffic after selling access to those interested in delivering to ComCast’s customers – this was effectively the deal penned between Netflix and ComCast before the change in regulation made this arrangement illegal. I pointed out to my would-be boss that this was less about selling CDN and more about selling access, which was a very tough sell indeed since my primary client base was businesses that considered themselves in direct competition with the providers that are attempting to limit and determine who should get favored access. This means more expense to those companies who would deign to play in the same space and for sure would have a chilling effect on innovation, even simply attempting to try. And for sure this means more cost to consumers to even access the limited group of hand selected providers “blessed” with the mere opportunity to try and reach those customers. Even though I got a verbal offer from ComCast, I never took the position.

While commissioner Pai’s attitude is that this is not currently an issue, those of us on the “inside” are aware that’s only because the opportunity had not fully presented itself for this to become an issue; but was surely in progress, as indicated by the ComCast / Netflix deal, and is why under former President Obama’s FCC, net neutrality as a public utility was codified into law.

This is an issue of great concern to a majority of my colleagues and will very well dictate to the companies involved in online delivery who the winners and losers will be – effectively freezing out virtually all providers, especially in the video space, except those either funded by or paying more money to the ISPs for access. If we are truly about free market ideals and encouraging innovation, American excellence in technology and the rights of the American people to access whatever they want as long as it is legal, I implore the FCC to reconsider their current stance on creating an unequal, uncompetitive, telecom monopoly online.

Thank you for your attention to this matter.

Sincerely,  
Brad Altfest

Recovering CTO, Video Delivery Solution Architect & online innovator