I respectfully submit the following comments regarding FCC 17-108.

* This proposal is largely based on an outdated distinction between ISPs and telecom companies. In the modern world, this distinction no longer exists.
  + Modern telecommunications providers digitize and packetize information and route the packets as their traffic models indicate. This process involves computer-to-computer communications, often over public switched networks.
  + VOIP, e-911, and Chat have erased the distinction between telecom and Internet services.
* The proposal ignores the ways in which Internet communications have changed.
  + In the early 1990s, Internet communications were almost exclusively pure information transfer. Today, routine services, including e-911, are critical communications protocols.
  + In the 1990s, AOL and other providers sold a complete Internet experience, not just post-connection transmission capabilities. Now, most ISPs sell transmission capabilities first.
  + When the “Cable Modem Order” was issued, the Internet was an add-on service to “cable service.” Today, most people view “broadband Internet service” as the fundamental service, with other services—such as cable, VOIP, and streaming—riding on top of the “broadband Internet service.”
* The proposed change will create an unlevel playing field.
  + The elimination of the “Internet Conduct Standard,” the “Bright Line Rules,” and the “Transparency Rule” will have the effect of favoring some companies over others.
  + Small content providers have neither the staff nor economic resources to overcome “paid prioritization.” To support small Internet entrepreneurs, the “No Paid Prioritization Rule” is needed.
* There is no indication that infrastructure investment has actually declined because of Title II.
  + The evidence cited for the CAPEX study is not statistically valid, since almost all of the decline in any given year was due to a single company.
  + George S. Ford’s article looked at the potential impacts of Title II, not at the results.
* The proposed rule ignores the unique needs of rural areas.
  + ISPs in rural areas routinely provide sole-purpose premise-to-central-office transmission facilities.
  + In rural areas, market forces will not lead to installation of the infrastructure required to provide “true” broadband.
  + The argument that the rule is not necessary in “today’s competitive broadband marketplace” overlooks the fact that most of rural America is not a competitive broadband marketplace. Most rural areas have only one provider.
* The “No-Blocking Rule” is needed, because ISPs *do* block content. For example, telecom providers have at times blocked external DNS servers.

In summary, I agree that the current Title II without forbearances is a poor fit to the modern world of “Internet access service.” Instead of reverting to Title I, however, the commissioners’ time would be better spent addressing the underlying issues and properly addressing the current reality, either under a revised Title II or a new, hybrid title.

As part of this process, a CBA should be conducted, including a full, realistic economic system-wide analysis, not an industry-centric analysis. As part of this CBA, I respectfully request that you address the following questions:

* What fraction of ISP customers actually use ISP-provided services such as DNS or email services?
* What is the justification for maintaining the distinction between telecom and Internet services?
* How would retaining the “No-Blocking Rule” harm existing practices?
* What is the actual difference in infrastructure investment between pre/post Title II classification, normalized by inflation and economy-wide infrastructure investments?
* How will FCC 17-108 impact the FCC’s 1999 911 Act?
* What assurance is there that eliminating the “No Paid Prioritization Rule” will not harm small Internet entrepreneurs?