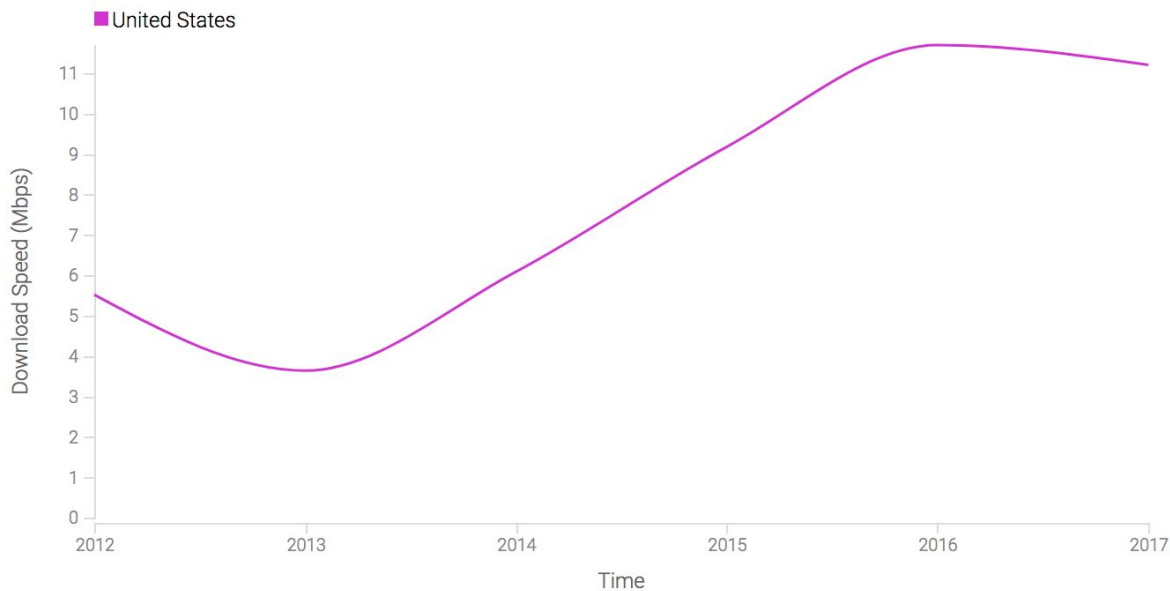


It is difficult to know what to even write to the FCC given the fictional world the nation's primary communication regulatory body premised this proceeding on. History is replete with examples of the nation's largest providers not just overcharging customers but actively harming the quality of their connection to their own benefit. The 5 largest providers have more than 80 percent of all broadband customers.<sup>1</sup> In the 3 years preceding reclassification to Title II this country witnessed degradation on a massive scale. This was reflected in a dip in speed nationwide:<sup>2</sup>



Over 2014 and 2015, we saw this extortion of content providers continue largely unabated until the FCC indicated the seriousness with which it was considering exercising oversight over interconnection agreements.<sup>3</sup> Throughout this time, consumers were misled and outright lied to by their ISPs. Every evening they watched their speeds plummet and were told to reset their modems or restart their computers.<sup>4</sup> Just one of many examples:

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<sup>1</sup> <http://www.leichtmanresearch.com/press/051917release.html>

<sup>2</sup>

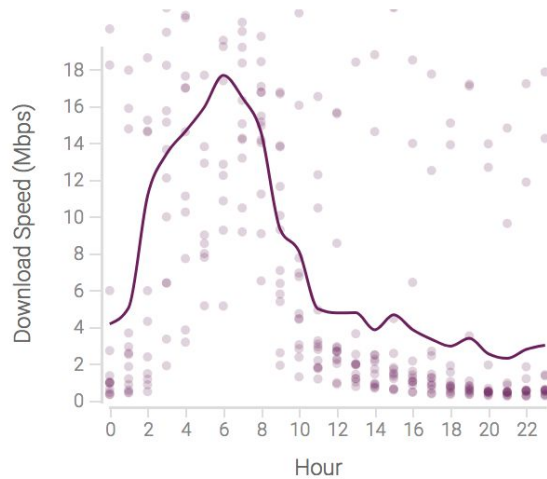
[http://viz.measurementlab.net/compare/location?breakdownBy=filter2&end=2017-01-01&filter1=AS13367x\\_AS10796x\\_AS10774x\\_AS11398x\\_AS11486x&filter2=&selected=naus&start=2012-01-01](http://viz.measurementlab.net/compare/location?breakdownBy=filter2&end=2017-01-01&filter1=AS13367x_AS10796x_AS10774x_AS11398x_AS11486x&filter2=&selected=naus&start=2012-01-01)

<sup>3</sup> See e.g. <https://ecfsapi.fcc.gov/file/7521750461.pdf>

<sup>4</sup>

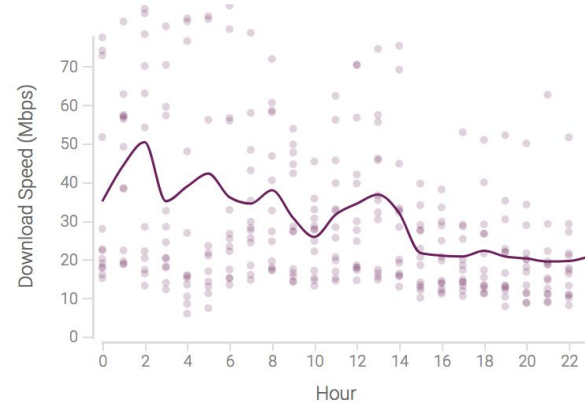
[https://static.newamerica.org/attachments/386-beyond-frustrated-the-sweeping-consumer-harms-as-a-result-of-isp-disputes/OTI\\_Beyond\\_Frustrated\\_Final.pdf](https://static.newamerica.org/attachments/386-beyond-frustrated-the-sweeping-consumer-harms-as-a-result-of-isp-disputes/OTI_Beyond_Frustrated_Final.pdf)

## Comcast



Seattle - 3/1/2013-3/1/2014<sup>5</sup>

## Comcast



Seattle - 03/01/2016 - 03/01/2017<sup>6</sup>

Due to the coordinated actions of ISPs, those few customers who had access to an FTTx provider, would have experienced the same degradation on the only other choice that meets the FCC basic definition of broadband. Indeed, according to this FCC's own data, 87 percent of census blocks have 2 or less providers for 10 mbps and 88 percent have 1 or less providers for 100 Mbps.<sup>7</sup> Despite the clear role played by the FCC in resolving this massive nationwide degradation,<sup>8</sup> this Commission claims violations of Net Neutrality are "few" and "scattered".<sup>9</sup> Such claims are a slap in the face to the 80 percent of broadband customers exposed to these issues, while still being forced to pay far too much for a broadband connection that failed to give them anything close to the speeds being advertised. This episode demonstrates that the

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<https://viz.measurementlab.net/location/nauswaseattle?aggr=month&end=2014-03-01&isps=AS13367x&metric=download&start=2013-03-01>

6

<https://viz.measurementlab.net/location/nauswaseattle?aggr=month&end=2017-03-01&isps=AS13367x&metric=download&start=2016-03-01>

<sup>7</sup> [https://apps.fcc.gov/edocs\\_public/attachmatch/DOC-344499A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DOC-344499A1.pdf)

<sup>8</sup> See e.g.

<https://www.techdirt.com/blog/netneutrality/articles/20150505/09051330890/mere-threat-real-neutrality-rules-appears-to-have-helped-calm-verizon-level-3-cogent-interconnection-feud.shtml>;

<https://arstechnica.com/business/2015/05/verizon-and-cogent-settle-differences-agree-to-boost-internet-quality/>;

<https://www.techdirt.com/blog/netneutrality/articles/20150505/09051330890/mere-threat-real-neutrality-rules-appears-to-have-helped-calm-verizon-level-3-cogent-interconnection-feud.shtml>;

<https://arstechnica.com/business/2015/05/att-to-fix-internet-congestion-before-it-can-be-hit-with-complaint/>;

<http://www.multichannel.com/news/fcc/cogent-holding-net-neutrality-complaints-now/391381>;

<http://www.fiercetelecom.com/telecom/cogent-s-schaeffer-our-interconnections-at-t-verizon-are-nearly-congestion-free>

<sup>9</sup> NPRM, Para., 42, 50, 77, 79

Nation's largest ISPs will exert their massive market power whenever allowed. Indeed, the New York Attorney General's office noted that at the outset of these tactics being employed a senior Spectrum-TWC executive explained "We really want content networks paying us for access and right now we force those through transit that do not want to pay."<sup>10</sup> It's no wonder the largest ISPs routinely received the lowest customer approval ratings of any U.S. company.<sup>11</sup> To expect these companies to comply with non-existent rules on a voluntary basis fails to reflect reality.<sup>12</sup> If the Commission simply wants to serve the bottom line of the most hated companies in America, stop disrespecting the public and state that openly. The current charade fails on its face and demonstrates an astonishing lack of understanding of the current broadband market in the United States. The results of your proposed actions will be an increased incentive to create artificial scarcity, not investment and the removal of core protections for freedom of expression online.

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<sup>10</sup> [https://ag.ny.gov/sites/default/files/summons\\_and\\_complaint.pdf](https://ag.ny.gov/sites/default/files/summons_and_complaint.pdf)

<sup>11</sup> See e.g. <https://arstechnica.com/information-technology/2017/05/comcast-customer-satisfaction-drops-6-after-tv-price-hikes-acsi-says/>

<sup>12</sup>

<https://arstechnica.com/tech-policy/2017/06/charter-promised-more-broadband-but-didnt-deliver-now-must-pay-fine/>; <https://sg.finance.yahoo.com/news/big-cable-broke-promise-youre-paying-191135140.html>; <http://www.dslreports.com/shownews/Comcasts-10-Broadband-Hard-to-Qualify-For-117539>