

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 ) WC Docket No. 17-108  
“Restoring Internet Freedom” )  
 )

**SUR-REPLY TO ITIF, NATIONAL GRANGE, et. al.<sup>1</sup>**

These two entities submitted a Reply Comment during the last few days of the Reply Comment extension revealing more ISP propaganda and one demonstration of how this propaganda, —spread fraudulently by Interim Chairman Pai on Youtube.com —, has confused and polarized rural America. ITIF is a “*think tank*” and National Grange (NG) is a fraternal organization concerned with farming. Each reply seeks reliance on Section 706 for authority to resume “light-touch” regulation or non-regulation of common carrier wire communications as mandated by Title II already. This thin Congressional grant of authority follows from 47 USC §1302.

*[The FCC shall] encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans [and especially to schools] by utilizing, in a manner consistent with the public interest, convenience, and necessity [with] price cap regulation, regulatory forbearance, [and] measures that promote competition in the local telecommunications market, or other regulating methods that remove barriers to infrastructure investment.*

In this section, there is clear abuse of the English language with; “[t]he term ‘advanced telecommunications capability’ is defined”. These three words are defined and are, regardless of any Congressional or FCC dogma, a type of Title II common carrier telecommunications. See 47 USC § 153 ¶¶(11,50)

---

<sup>1</sup> Information Technology and Innovation Foundation (ITIF), National Grange of The Order of Patrons of Husbandry (National Grange) and a few other Reply Comments though there were too many to cover here in time.

FCC Commissioners should, by the way, be trained in telecommunications or another communications field and not simply be trained as lawyers. Yes; lawyers must communicate but should use common English. Redefining a phrase to take on a wholly new special meaning is judicial abuse of the English language and is creation of dogma as is counter to the plain wording of laws taught by Hon. Antonin Scalia.

Allowing internet service providers (ISPs) to: 1. bill farmers differently for the same data delivered to others, 2. bill farmers more to get no throttling or faster connections, and 3. allow edge providers like GOOG, et. al. to keep buying faster response times from ISPs. This is the true desire of ISPs despite this being against the law, (Title II) though ignored for most telecommunication today by the FCC. ISIP supports this as is understood. It appears NG has fallen for the mass of propaganda and their comment and reply support the *NPRM* despite this harming farmers.

Allowing ISPs to charge more to offset infrastructure installation needed to better serve rural farmers is the future *Interim* Chairman Pai, National Grange, and the ITIF want to see as a result of the 17-108 *NPRM*. This was implied by their initial comments and is now reaffirmed by these replies to comments, though NG mostly replied to their own comment.

It is unbelievable NG wishes to allow slow and fast data delivery caused by an ISP business choice because NG is aware rural communities are treated differently by ISPs already. Still; This is exactly what ITIF and NG did by encouraging the 17-108 *NPRM*. Members of ITIF are wealthier and live in higher population densities according to their online biographies. Members of ISIP will always have access to the fastest-lanes and therefore have no real steak<sup>2</sup> in this *NPRM*.

---

<sup>2</sup> Should be “stake” – comic relief unlike the heterograph copy[rite].

Whatever happens; members of the ISIP will have the best data delivery possible. NG, however, represents rural communities from all across America and NG members will lose these wire-communications services when the *NPRM* “weed-whacking” destroys the Open Internet Order (OIO).

Whenever a user clicks on a link to a page, a request for this page is sent. The DNS vendor will maybe examine this request and decide if this page is allowed to be returned per the existing authorized user agreement. This may result in the return of a “not allowed” message but this service by the DNS provider or ISP is a result of some parent or other person responsible for this computer making a prior decision and not DNS or ISP judgment per the OIO. The ISP or DNS vendor may not legally chose to reject or slow the request per Title II. This is per the OIO. The DNS or ISP may not censor telecommunications unless told to censor these by the party responsible for this telecommunication.

The 17-108 *NPRM*, if completed, will allow ISPs or DNS vendors to choose whether to return the requested page and decide if this page would be returned more slowly to farmers and users of a competitor's streaming service like Netflix for users of at&t. The European opinion about zero-rating is irrelevant. The Reply to Comments of Dr. Bronwyn Howell & Roslyn Layton put forth five questions for regulators to use when deciding if a particular zero-rating offer should be prevented. The fatal trouble with this paper is the fact Netflix and HULU are said to be different enough to prevent any trouble with zero-rating. Hardly.

These five magic questions follow:

**Question 1.** What very close or perfectly substitute applications accessible over the ISP's connection, costing the same to deliver, are likely to be foreclosed by the zero-rated application(s)?

**Question 2.** Does usage of the zero-rated applications actually cost the ISP less than equivalent usage of non-zero-rated applications?

**Question 3.** Is zero-rated access to a subset of applications primarily intended to increase the number of individuals using the internet?

**Question 4.** Who has requested that an instance of zero-rating be investigated?

**Question 5.** Do consumers of the zero-rated application and its rivals make payments to applications providers separate from their payments to ISPs?

Dr. Bronwyn Howell & Roslyn Layton were/are incredibly well informed but not calling a choice between free Netflix data or free HULU/DirectTV data streaming an improper ISP-Application Provider collusion requires already attempting to allow zero-rating in this particular case by alleging some other subscriber choice based on different Netflix/HULU/DirectTV content, which there is not. These steaming services surely have some different content but no real difference because if "Friends" is popular on Netflix, this streaming content will be available soon on HULU/DirectTV because the makers of "Friends" will sell this content to HULU.

at&t allows zero-rating on DirectTV. Since data is already billed at roughly \$0.20/extra-gigabyte. This is an illegal collusion between at&t and DirectTV. Netflix or HULU have legal standing currently for class action anti-trust suits in District Court beginning with seeking an injunction to stop the clearly unfair zero-billing while this case is resolved. Yes; there are ridiculous costs for any District Court suit but the nearly certain injunction would not take terribly long.

I, though despising US Courts<sup>3</sup>, could prepare a class-action and Motion for Injunction to quickly end ISP zero-billing long before WC 17-108 *NPRM* is resolved. This *NPRM* does not end before the Second Circuit Court of Appeals challenge(s). Serving this Prospective Class Action Complaint with a Motion for an Injunction to all Zero-billing ISPs would immediately end every ISP's zero-billing.

Yes Dr. Bronwyn Howell & Roslyn Layton; zero-billing for all reasonably similar TV/movie streaming services or all reasonably similar search engines or other type websites would be allowed. This type of zero-billing has never and will never happen. One easily-understood and easily allowed zero-billing would be to an elementary or High School website. This access c/would be paid for by tax dollars and would, therefore, not be actual zero-billing for long.

There were very many Reply Comments this morning and besides the Dr. Bronwyn Howell & Roslyn Layton Reply Comment. These mostly repeated the comments already entered. The idea of requiring all ISPs to share connections to “last-mile wire services” and bill a FCC tolled amount would allow Verizon, Comcast, and Verizon et. al. to be competitors everywhere like in the days of dial up. ISPs of today are already impermissible monopolies.

Respectfully Submitted,

A handwritten signature in black ink, reading "Curtis J. Neeley Jr.", written over a horizontal line.

s/ Curtis J. Neeley Jr.

---

<sup>3</sup> See *Neeley Jr. v 5 Federal Communications Commissioners, et. al.* This action resolved counter to U.S. law due to improper *Pro Se* tenor despite all Defendants partially meeting the demands made just like a copy[rite] *en banc* case in the Ninth Circuit Court of Appeals not listed to preserve anonymity and *Authors Guild v GOOG* in the Southern District of New York.