I urge the commission to not withdraw Title II regulation of Internet Common Carriers. In summary, this regulation has clear benefits to users and has not been demonstrated to be onerous on service providers.

Further, it is regrettable that the Commission re-consider what the public has already said is an important regulatory issue for them. Should you need to be reminded, review the 3.7 million comments submitted to the Commission in 2014. There is only one constituency for this change – the regulated carriers that already exert great power over their users by geographic monopolies and duopolies. The horizontal and vertical integration that has occurred over several decades has greatly diminished the power of individual consumers and small businesses have over their ISPs.

Literally, for the first-time in history, I have seen providers like Comcast publish actual numerical speeds for their internet service. They had not done this until being held accountable under Title II. It doesn’t seem onerous for food companies to label products with ingredients and the amount of food in a package. It also does not seem onerous for companies like Comcast to label their products and be held accountable to those labels.

In the notice of proposed rulemaking (FCC 17-60), paragraph 27, the definition of internet service providers is troubling. I do not view these providers as the source of information but simply the intermediary to access information from the provider of one’s choosing. Or to move information between parties effortlessly. The internet service provider’s role is that of moving packetized data. Provided that the data is legal, the provider should be agnostic about what the data is or where it is going. The capability that should be accessed is are the data packets moving without discrimination and restriction and it should always be viewed through the lens of the user. I don’t want to look up information on my internet service provider’s offerings; I want to access the information provider of my choosing. A basic understanding of the Open Systems Interconnection model demonstrates that information and networking are not the same. The service provider can provide the Physical, Data Link, Network, and Transport layers so that users and their selected providers may deliver their own Session, Presentation, and Application layers on top.

Also, in Paragraph 27, the internet service provider “offers its users the capability to perform each of the functions listed in the definition.” Clearly, this is not how the Internet operates. The ISP does not provide the website, they simply provide them medium and transport mechanism to access the website. A third party provides the Session, Presentation, and Application functions. And users should not be limited to the services that their ISP wants them to access. The ISP is simply the roadway to the worldwide layer of application services.

It is terrifying to think that a monopoly ISP should be tasked with providing information. They should be tasked with providing access to information – from anyone, anywhere. What if I could only use a search engine provided by my ISP. Perhaps they would hide search results for information that is negative toward their company. Is this not censorship? I do not want to view my information through the lens of my service provider. The Application level of the OSI model should be open to any parties that wish to communicate. The Google search engine could block information as well, but I am not geographically limited to using Google as I am the local ISP. I should be able to access any information provider in the world but obviously due to physical limitations, I cannot use any ISP. That is why the role of ISP must be clearly defined and strictly regulated: because they already wield great power over their customers. Whether people can work from home or start businesses or attend online classes (or any number of scenarios) is dependent on their local provider. Getting the wrong provider or living in the wrong neighborhood sufficiently handicaps the economic and social opportunities of citizens. Is the purpose of the Communications Act to expand reliable service to citizens or to create protected markets for investors? In my view, Congress’ intent in the 1930s was to empower citizens with a robust network. The view that carriers need protecting clearly contrary. I have to follow rules when driving and ISPs should have to follow operational rules as well.

In Paragraph 28: “Could a consumer access these online services using traditional telecommunications services like telephone service or point-to-point special access?” This is laughable. Simply put, this is not the definition of Internet. Is the Commission suggesting we can all get AOL dial-up lines and only access information from one company to circumvent Comcast if we so choose?

In Paragraph 29: The discussion implies that mechanics of routing data are not telecommunications. This ignores the long history of telephone calls being packetized and routed. Under a higher level of examination, a phone number and an IP address are not all that different. And with the advent of VoIP technology, they are essentially the same. The Commission should not rely on antiquated legalese to frame arguments for the modern era.

Regarding Paragraph 30: Shouldn’t a user have the right to use their own firewalls or to opt-out of a provider’s added services? Just because a provider could offer Firewall services doesn’t mean that a user should be forced to use them or be subject to unwanted discrimination of traffic. I firmly believe that consumers should have the CHOICE to contract with provider of their choice for add-on services since many times they are limited geographically by the last mile providers that they may contract with (if there is even a viable choice at all).

There are many questions in the proposed rulemaking that ask if rules are necessary, such as Paragraph 80: “Do we have the reason to think providers would behave differently if the Commission were to eliminate the no-blocking rule?” Let me ask the Commission, do we have any reason to believe drivers would behave differently if we eliminated speed limits and stopped ticketing people who drive recklessly? The answer to both is “of course”. We have already seen a pattern of throttling and blocking instituted by ISPs prior to Title II regulation (e.g. Netflix and Comcast in 2013).

The internet has become essential to daily living – perhaps not as important as water but an essential utility nonetheless. What if there were two water pipes coming into your home – one labeled male and one labeled female? Or one labeled black and one labeled white? And what if the quality of the water coming out of the male and white pipes was better? Or the cost of the female water was more expensive. Without Title II regulation, what mechanism stops a corporation from instituting draconian and discriminatory price models that only benefit investors? Won’t these corporations be under increasing pressure to do so? Isn’t there a point where monetization is not the only goal? As the technology matures and becomes more of a commodity, shouldn’t we regulate ISPs like we do water providers to ensure that there is a safe and reliable source of this essential utility?

And what if your start-up business was trying to stream live content, but the providers in the area viewed you as a threat to their vertically integrated content companies? What recourse would a small business have? The legal hurdles are likely too onerous to overcome the vertical integration. And where would that small business move where they could overcome the horizontal integration?

Access to the Internet is the only thing that protects us from the communications oligarchy that is controlled by a handful of companies. Until classifying internet providers as Title II carriers, the commission had not gone far enough to protect citizens and small business. Not only should there not be a tiered system of delivery, the commission should continue to regulate internet providers as Title II Common Carriers. There are clear benefits for users and communities. Furthermore, there is no evidence that the existing regulatory structure is hurting the carriers themselves or reducing capital investment in broadband.

The internet is the telephone of this century and thus should be regulated in the spirit of the Communications Act of 1934 under which the commission was formed: "​to make available, so far as possible, to all the people of the United States a rapid, efficient, nationwide, and worldwide wire and radio communication service with adequate facilities at reasonable charges."’

And as for Chairman Pai’s light-tough regulation, I’d like to see his concern for consumers and not giant conglomerates. I’d like to see the Chairman tell ISPs to take a light-touch to my data and let it transgress unfettered. Tell service providers to keep their hands-off my packets!

If the Trump administration and the Pai Commission wanted to “drain the swamp”, they’d tell the lobbyists who wrote this proposed rulemaking to take a hike. The document is simply a disgrace to all involved and an insult to the intelligence of voters.

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