I need to register my strong opposition to the reclassification of broadband services as information, rather than common carrier, service. I believe that the justification for such reclassification is not based on a genuine re-interpretation of the way that consumers use such services, but the longstanding and inappropriate influence of the telecommunication industry on the federal regulator who has recently become chair of the commission.

Chairman Pai has argued that rather than using broadband services to establish a neutral pipeline of information, consumers are actually using broadband to access “information services” such as e-mail, without knowledge or interest as to the specific routing and endpoints of transmission. However, with the tremendous growth of corporate-based telecommuting services, nothing could be further from the truth, and my own use of broadband service from my home is illustrative of this.

As a radiation oncologist, I am very reliant on my home internet connection to communicate directly with the medical record and radiation treatment planning systems of my university. In order to finish tasks that I cannot complete while I am in the office providing direct patient care, I use my home broadband connection extensively to enable me to complete documentation and radiation treatment planning tasks.

In order to perform such tasks, I need to establish a direct connection to specific servers within my university’s data operations center. It would not be appropriate for me to simply attach to a generic “medical record keeping provider” or a “radiation treatment planning cloud server”, since such services would a) not contain the information specific to my patients, and b) not be directly connected to the linear accelerators used to deliver radiation at my institution. The argument that I do not know or care what the endpoint and routing of my data connection is completely fallacious. I must attach to specific servers within our data center that have been configured for the appropriate medical tasks, and I indeed know the names and IP addresses of these servers, which I check when the connection is initiated to make sure that it is appropriate. These specific servers have statically-mapped IP addresses. I am completely reliant on the ability to specify, pixel by pixel, radiation targets at my end of the connection, and know, without any uncertainty, that those targets have been correctly reflected in the treatment planning server without any modification. Any inaccuracy or change in the information I transmit could have disastrous, and potentially fatal, implications for patient care. In fact, simply to comply with Federal patient privacy laws, the connection to my institution’s data center must be direct, and not routed through any third party without the express consent of my patients to have their protected health information disclosed.

If the commission spuriously changes it’s definition of the services described above a mere three years (but notably, 2 election cycles) after the prior determination that broadband is a telecommunications service, the impact on my practice is likely to be dramatic. Since my telecommunications provider (Comcast) will be incentivized to provide priority communications to specific, paying information services such as Amazon or Netflix, the speed and reliability of the connection to my institution’s data center will be compromised as it will not be identified by Comcast as a prioritized service. Since the type of work I am doing (real-time graphics manipulation) is extremely sensitive to bandwidth (and even more sensitive to latency), it may be impossible for me to maintain a fast enough data connection to work without generating serious errors in my patient’s radiation treatment plans. This would eliminate my ability to telecommute and provide patient services from home after my clinic is closed. This would have significant economic impact on me in terms of having to hire child care to enable me to complete these tasks on-site at my institution. It would also increase the time that my patients, who are nearly universally suffering from cancer, will have to wait for treatment.

Chairman Pai’s argument that such issues will be addressed by free-market forces is beyond outrageous. There is only one broadband provider that can provide the necessary connection speed for my work. Comcast has an effective monopoly on service in my home state of West Virginia, with the only possible alternative being a DSL provider that does not meet FCC definitions of broadband service. If the proposed rule is adopted, there will be no barrier to Comcast using it’s exclusive position in the marketplace to extract any charges it wants from consumers, such as myself, who rely upon their services. It is also interesting to note that in the many years prior to 2015 that Comcast operated in West Virginia under the “information services” definition, it did virtually nothing to alleviate the severe lack of broadband connectivity in this state, which is, even now, the worst in the nation. The proposed rulemaking does nothing to compel or even encourage Comcast to address this sorry state of affairs. The argument that “freeing” Comcast from net neutrality rules will suddenly spur them to invest in broadband connectivity for West Virginia is completely specious, given their past behavior.

In short, it is clear to me that the proposed rule to re-reclassify broadband providers as “information services” is not based on any legitimate interpretation of the commission. It is, rather, a convoluted and intentionally misleading argument designed specifically to have a pre-determined market outcome favored by chairman Pai and the corporate entities who have funded his career prior to joining the commission. It completely ignores the common-sense understanding of millions of citizens that broadband service is an unfettered connection to any sort of information they want, without bias introduced by the limited number of telecommunication providers who establish this access.