

I am strongly against re-classifying ISPs as Title I "Information Services" from the currently regulated Title II "Telecommunications Services."

One absolutely should **not** be talking about "Regulation of the Internet." It is and should be free and open to all. As FCC Chairman Michael Powell expressed 13 years ago in 2004, the four freedoms are the freedom to access (legal) content, the freedom to run applications of their choice, the freedom to attach devices, and the freedom to obtain service plan information.

Therefore, the first point is Net Neutrality is about rules for Internet Service Providers (ISPs), not the "Internet."

The second key point is the conflict between trying to classify those ISPs as Title I "Information Services" or Title II "Telecommunications Services" because they act as both.

Large ISPs provide information services in the guise of Internet Content, for example web sites, information services, on-demand video, and computer services such as email. The ISPs also provide telecommunications services which their customers can access directly competing information services such as web sites, information services, on-demand video, and computer services such as email.

It is an issue for Congress to decide if combining these two roles is legal; that is not for the FCC to decide.

And that is the rub: In their *telecommunications* services role, large broadband ISPs do not compete with each other, they are effectively monopolies in their geographical areas. They can and do leverage that monopoly in their *information* services role to suppress competing services. They will slow down competing video services whereas their own video services are given a "fast lane." This is plainly anti-competitive and should be prohibited by the FCC.

An argument has been made by the ISP industry that no rules are necessary because no violations of basic Internet freedoms have occurred. The many past lawsuits and complaints by content providers (and the FCC) against ISPs counter that claim.

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