



November 20, 2017

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* presentation pursuant to 47 C.F.R. § 1.1206(b) in WC Docket No. 17-108

Dear Ms. Dortch:

The National Hispanic Media Coalition (NHMC) submits the attached expert analysis of the open Internet consumer complaints and related documents produced in response to Freedom of Information Act requests 17-565, 17-577, 17-638, and 17-639 submitted by NHMC between May 1, 2017 and May 17, 2017.¹ This *ex parte* presentation should be incorporated into the record pursuant to 47 C.F.R. § 1.1206(b) permit-but-disclose requirements in the above referenced proceeding. The expert report, “Consumer Perspectives on Barriers to Accessing the Open Internet,” was commissioned by NHMC and is based solely on the consumer complaints and related documents that have been released by the Federal Communications Commission to date.²

The author of the report is Reza Rajabiun, MA, LL.M, PhD, a competition policy and telecommunications strategy expert with research interests in expanding broadband infrastructure, assessing the quality of broadband networks, and improving rural connectivity. Dr. Rajabiun’s work on the design of competition regulation and the development of broadband Internet infrastructure has appeared in various peer-reviewed scholarly journals, including *Competition Law and Economics*, *Indiana Law Journal*, *Telematics and Informatics*, *Information Policy*, *Intereconomics*, and *Telecommunications Policy*. He is a Research Fellow at the Ted Rogers School of Information Technology Management at Ryerson University in Toronto and Algorithmic Media Observatory at Concordia University in Montreal. He also serves as a member of the advisory team of the Regional & Rural Broadband project at the University of Guelph and the Technical Committee of the Intelligent Communities Forum Canada. Notably,

¹ See National Hispanic Media Coalition, FOIA Release, *available at* <http://www.nhmc.org/foia-release/>.

² NHMC has noted that the FCC improperly withheld thousands of documents from public inspection without explanation. See Application for Review, National Hispanic Media Coalition, WC Docket No. 17-108 (Nov. 14, 2017).

Dr. Rajabiun has worked with a variety of public-sector entities evaluating economic and financial aspects of broadband infrastructure development initiatives. He has also worked with nonprofit organizations that focus on improving Internet connectivity in underserved rural communities and accessibility of affordable communications services available to people with disabilities.³

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'CDS' with a stylized flourish at the end.

Carmen Scurato
Director, Policy & Legal Affairs
National Hispanic Media Coalition

³ See Reza Rajabiun profile, <http://www.amo-oma.ca/en/people/> (last visited Nov. 20, 2017); see also Selected Works of Reza Rajabiun, https://works.bepress.com/reza_rajabiun/ (last visited Nov. 20, 2017).

In the matter of
Restoring Internet Freedom
WC Docket No. 17-108

Consumer Perspectives on Barriers to Accessing the Open Internet:

**A Preliminary Analysis of Informal Consumer Complaints
to the Federal Communications Commission (FCC)
and Related Documents**

November 20, 2017

Expert report by
Reza Rajabiun, LLM, PhD*

Commissioned by
National Hispanic Media Coalition (NHMC)

Pursuant to Joint Motion and Reply to Opposition
to make informal open Internet complaint documents part of the record
and to set a pleading cycle for comment on them, September 18, 2017

* Research Fellow, Ted Rogers School of Information Technology Management, Ryerson University, Algorithmic Media Observatory (AMO), Concordia University, & eFilters Inc., Toronto, Canada. Disclosure: I provide telecom policy advisory services to different levels of government and stakeholder groups in Canada. I have served as a regulatory consultant representing associations of rural municipalities and consumers with disabilities at proceedings under consideration before the Canadian Radio-television and Telecommunications Commission (CRTC) over the past few years. The views expressed herein are the author's alone and should not be interpreted to reflect those of any affiliated organizations. Disclaimer: This is a preliminary analysis conducted under the restrictive time constraints of the Restoring Internet Freedom proceeding. Comments and suggestions for further exploring the data are welcome. Contact: reza.rajabiun@gmail.com ; Selected works: https://works.bepress.com/reza_rajabiun/

Summary

Pursuant to requests from the National Hispanic Media Coalition (NHMC) under the Freedom of Information Act (FOIA), the Federal Communications Commission (FCC) has made public around 50,000 informal consumer complaints submitted to the FCC. The FCC has also released samples of FCC open Internet ombudsperson emails and samples of responses by Internet service providers to the complaints. Using Natural Language Processing (NLP)/textual analytics tools, this report maps the content of the complaint documents and provides a preliminary analysis of their implications for answering procedural and substantive questions raised by NHMC’s Joint Motion, Motion in Opposition by NCTA/USTelecom and AT&T in its ex parte disclosure in this matter (of September 18, 28, and 27th 2017 respectively). The quantitative analysis of these consumer complaint documents reveals that less than expected data transmission speeds represent the primary barrier to the freedom of American consumers to access the open Internet via multipurpose broadband networks to which they subscribe. Carrier responses to the complaints indicate their traffic management practices represent a key reason for their failures to deliver connection speeds their consumers were expecting. The preliminary analysis of this new body of evidence challenges the fundamental presumption that consumers perceive broadband Internet access as a bundle of enhanced information services. Consumers and carriers, at least according to their responses to consumer complaints, appear to conceptualize broadband Internet access as basic telecommunications service and characterize it in terms of quality and capacity of connections. The documents contain a rich body of information that is directly relevant to questions under review in this matter. In the opinion of this author, the consumer centric perspective offered in this body of evidence fundamentally challenges the presumptions underlying the proposal to reclassify “high-speed” access as a Title I “information” versus Title II “telecommunications” service. The evidence further contradicts the presumption that the regulatory regime established under the 2015 *Open Internet Order* represents a “heavy-handed” one or that enhanced transparency rules impose a material “regulatory burden” on Internet service providers.

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I. Overview

1. **Context:** On April 27, 2017, the Federal Communications Commission (FCC or Commission) issued a draft Notice of Proposed Rulemaking (NPRM) to repeal the *2015 Open Internet Order*.¹ On May 1, 2017, the National Hispanic Media Coalition (NHMC) submitted a request under the Freedom of Information Act (FOIA) seeking records regarding the FCC's enforcement of its *2015 Open Internet Order*, informal consumer complaints relating to Net Neutrality/Open Internet issues, and ombudsperson documents. Subsequent requests submitted on May 5, 2017 and May 17, 2017 requested additional materials related to the FCC's enforcement of the *2015 Open Internet Order*. On May 18, 2017, the FCC adopted the final NPRM, solidifying its intent to vacate key provisions of the *2015 Open Internet Order*, including the 2015 decision to recognize that high-speed/broadband Internet access has in fact become a basic "telecommunications service". The Commission further set out a process calling for public comment on its proposed changes to the rules, with comments due on July 17, 2017 and a revised deadline for reply comments due on August 30, 2017. Starting on August 24, 2017, only days before the deadline for reply comments, the FCC started releasing complaint documents NHMC had requested in batches.² Large proportions of the relevant documents were released by the FCC on the day before the closing of public comments, while the final batch was provided to NHMC on September 14, 2017, two weeks after the reply comment filing deadline.³ The FCC FOIA response remains incomplete as only small samples of carrier responses and other documents relating to informal Internet complaints from consumers are currently available.⁴
2. **Body of evidence:** The volume of consumer complaints and related communications FCC has released is substantial, consisting of nearly 50,000 complaints. Out of 18,000 carrier responses in its possession, the FCC has so far published just 823 pages. Around 1,500 emails of communications from the FCC ombudsperson relating to these complaints have also been released. As documented in this report, the information that has been released so far offers

¹ See Restoring Internet Freedom, Draft, Notice of Proposed Rulemaking, April 27, 2017: https://apps.fcc.gov/edocs_public/attachmatch/DOC-344614A1.pdf

² NHMC received a sample of 1,000 consumer complaints on June 20, 2017. Much larger batches of the documents were produced on August 24th and September 14th, 2017. For an overview of timelines and communications between NHMC and the FCC regarding NHMC's FOIA requests for consumer complaint documents see Joint Motion To Make Informal Open Internet Complaint Documents Part of the Record and to Set a Pleading Cycle for Comment on Them, September 18, 2017: <https://ecfsapi.fcc.gov/file/109192207003170/WC%20Docket%20No.%2017-108%20-%20Joint%20Motion%5B1%5D.pdf>

³ For a more detailed overview of the timelines see: <http://www.nhmc.org/foia-release/>

⁴ Retrieved from: <https://www.fcc.gov/response-nhmc-foia-request> ; for a discussion of documents that are still missing from the public record at the time of writing this report see NHMC ex parte disclosure, November 1, 2017: <https://ecfsapi.fcc.gov/file/110140206979/NHMC%20Ex%20Parte%20-%20Jay%20Schwarz%20-%20Meeting%20on%2010.31.17%20-%20Filed%20on%2010.23.17.pdf> & Application for Review of Initial Action Re: NHMC FOIA Requests. November 14, 2017. <https://ecfsapi.fcc.gov/file/1114291505044/NHMC%20Application%20For%20Review%2011.14.2017.pdf>

valuable insights about everyday barriers facing American consumers trying to access the open Internet, how consumers and carriers functionally conceptualize “best effort” broadband subscription services on “offer”, and the role FCC’s informal complaint mechanism plays in fostering contractual transparency in the retail market for Internet access services.

3. Substantive portions of consumer complaint documents that NHMC’s FOIA requests have asked for are still missing at the time of this writing.⁵ Making these documents public could provide the basis for further analysis and consideration by the Commission and the parties. For example, while the analysis below draws valuable inferences from mapping the content of the small number of carrier responses to consumer complaints the FCC has released so far, making all of them available could allow for a more refined analysis that helps explore reasons underlying failures of particular service providers to meet their obligations to their customers trying to access the open Internet. This body of evidence offers a window into challenges facing American consumers trying to access information services they need via multipurpose broadband service to which they subscribe. Understanding what consumers were trying to convey to the agency about barriers they are facing in accessing the Internet may help policymakers and carriers develop more effective strategies for reducing barriers facing consumers trying to access the open Internet.
4. **Claims:** On September 18, 2017, the NHMC and a number of other organizations filed a Joint Motion (collectively, the Movants) requesting that the FCC:
 - a. Incorporate into the record in this proceeding certain documents directly relevant to the Internet NPRM that were not made available during the original pleading cycle.
 - b. Establish a new pleading cycle to allow for public analysis and comment on these documents.
5. The Movants claim it is necessary for the Commission to adopt these requests because “both the Administrative Procedure Act (“APA”) and the Commission’s regulations require that the public be provided adequate opportunity to review and comment upon a proposed rule.”⁶ They further argue that “among other things, the Internet NPRM asks whether there has been harm to consumers sufficient to support maintaining a Title II telecommunications service classification for broadband access service; whether the Title II classification has resulted in positive impacts to consumers; and whether the role of the ombudsperson and formal complaint procedures were actually necessary.”⁷ The Movants further state that if this Commission fails to incorporate this

⁵ Ibid.

⁶ NHMC Joint Motion, Sept 18. Page 8.

⁷ NHMC Joint Motion, page 8.

vital evidence into the record and set a new comment cycle, “any decision in this proceeding would be based on an insufficient and fundamentally flawed record.”⁸

6. On September 25, 2017 AT&T staff held a series of meetings with FCC Wireline and Wireless Competition Bureaus, as well as the Office of the General Counsel, in which they discussed AT&T’s position regarding various alleged violations of the APA by the parties in this matter. These discussions included procedural requests NHMC has outlined regarding the consumer complaint documents in the September 18 Joint Motion.⁹ According to the “white paper” summarizing arguments AT&T made to various FCC departments, it strongly opposes the request by the Movants to incorporate consumer complaints into the record for the Commission to consider or to initiate a new pleading cycle to give other parties the opportunity to comment on the documents. According to its disclosure, AT&T considers NHMC’s procedural requests per standards of procedural fairness the Congress has specified in the APA to be “nonsense”.¹⁰
7. On September 28, 2017, the Internet & Television Association (NCTA) and USTelecom, an association of large broadband Internet access infrastructure providers in which AT&T is a member, filed a formal brief in Opposition to the NHMC Joint Motion. NCTA/USTelecom argue that the requests outlined in the Joint Motion should not be granted because they are “based on false premises,” and go on to claim that evidence about consumer complaints is not “directly relevant” to questions that are before the Commission in this proceeding.¹¹ These assertions about the relevance of the evidence are not based on any discernable analysis of the large body of documents the FCC has released so far per the NHMC FOIA request. As NCTA/USTelecom acknowledges, these claims are based only on a “cursory review” and a handful of selective extracts from approximately 50,000 Internet related complaints consumers have forwarded to the FCC since 2015.

⁸ NHMC Joint Motion, page 8.

⁹ AT&T ex parte disclosure and related “white paper”, September 27, 2017.
<https://www.fcc.gov/ecfs/filing/10927442128309>

¹⁰ Ibid. page 5. The robust response by AT&T to the Joint Motion to consider this body of evidence may not be surprising when we consider evidence from previous research indicating that measured median fixed broadband speeds AT&T delivers to its customers tend to be lower than most other large network operator that dominate retail broadband markets in the U.S. Strategic choices of particular service provider since the late 2000s about investing in high capacity fiber-to-the-premises (FTTP) versus fiber-to-the-node (FTTN) plus last mile copper partly explain growing differences in the speeds/quality of service operators deliver to their consumers across U.S. regions. *See* Rajabiun, R., & Middleton, C. (2017). Strategic choice and broadband divergence in the transition to next generation networks: Evidence from Canada and the US. *Telecommunications Policy*.
<http://www.sciencedirect.com/science/article/pii/S0308596117301143>

¹¹ NCTA/USTelecom Opposition to Motion Regarding Informal Complaints, page 3.
<https://www.fcc.gov/ecfs/filing/109280026624434>

8. **Facilitation of communications versus enforcement:** NCTA/USTelecom claim “there is no evidence that any of these informal complaints led the Commission to undertake enforcement action against any broadband provider—a fact that further underscores the *lack* of relevance of these materials to this proceeding.”¹² They go on to submit that “if these informal complaints had actually demonstrated any meaningful violation of the Open Internet rules, then presumably the Commission’s Enforcement Bureau would have taken action, at least by opening an investigation to gather additional facts. But it appears that no such actions were initiated. Notably, most of the informal complaints at issue were filed during Chairman Wheeler’s administration—in the wake of that Commission’s determination that common carrier regulation was necessary to respond to potentially abusive practices, and at a time when the Commission’s Enforcement Bureau was widely recognized for its aggressive posture”.¹³ As detailed in this report, this claim involves a wholly incorrect and misleading characterization of the function and objectives of FCC’s informal complaint process. FCC’s informal complaint process is not designed to assess the merits of particular complaints, but primarily functions by facilitating communications and passing on consumer complaints to carriers and requesting the service provider offers a formal response to the aggrieved consumer.
9. **Objective and scope:** NHMC has commissioned this author to conduct an independent analysis of the content of informal complaints and related documents. The objective of the report is to provide a preliminary analysis of the large and complex body of evidence in a manner that helps the Commission evaluate competing claims and procedural requests outlined above. To achieve this objective, the report utilizes quantitative Natural Language Processing (NLP)/textual analytics technologies to automate content extraction and mapping of corpuses of consumer complaints, carrier responses, and FCC ombudsperson communications. This approach allows us to provide a systematic picture of concerns consumers experience when trying to access information and applications they require, why access to the open Internet might matter to consumers, and identify other relevant “signals” that “naturally” emerge from the quantitative analysis of the texts. Due to the short timelines of the FCC proceeding and the volume of documents, the analysis focuses on certain elements of the complaint documents and does not explore metadata information about the complaints. The Commission, other parties, and researchers interested in broadband access and consumer protection may wish to explore in the future other aspects of the data we do not analyze here.
10. **Contents:** Section II describes the complaint documents and the methodology used here to extract and map their content. Section III documents and analyzes key concepts and themes emphasized by consumers that took the time to convey barriers they are facing in accessing the Internet to the FCC, carrier responses, and FCC ombudsperson emails. Section IV interprets the

¹² NCTA/USTelecom Opposition, page 3.

¹³ Ibid. Page 4.

evidence in the context of procedural and substantive questions raised by the Joint Motion and the Opposition. The Appendix provides a list of representative text extracts that include examples of highly interconnected concepts that emerge from the corpus of consumer complaints, which may be helpful to readers interested in better understanding the everyday manifestations of problems that restrict the freedom of American consumers to access and use information services that meet their individual needs on the open Internet.

II. Data and Methodology

11. **Uniqueness:** In light of claims noted above it is critical to understand the process by which the information in them was generated and processed. In contrast to the millions of comments representing the opinions from individuals and organizations (as well as bots) submitted to this proceeding, “knowledge” contained in informal consumer complaints can be viewed as direct evidence of actual events and problems that restricted the ability of consumers to access information services they perceived they need on multipurpose broadband access network to which they subscribe. Consumer complaints about actual barriers to their access and use are fundamentally of a different nature than opinions of the parties in their comments or survey data suggesting the average consumer is satisfied with their Internet service. They are evidence of hard barriers facing American consumers that cannot be easily resolved through mutual engagement and negotiations between buyers and sellers in the market for broadband access services. Since most users initially try to address such problems with the customer service departments of their service provider, the FCC complaint data represent a narrow window into harder problems that cannot be easily resolved through private negotiations around contractual obligations and expectations of sellers and buyers.
12. **The FCC process:** One of the claims noted above is that the information contained in the informal Internet complaint documents is not “directly relevant” to this proceeding. Additionally, NCTA/USTelecom argue that the lack of FCC enforcement actions against any provider in response to the informal complaints somehow proves that the complaints are not relevant to this proceeding. This hypothesis fails to account for the design and function of the FCC’s informal complaint process. In sharp contrast to its formal complaint process, with the informal process the FCC is not required or specifically authorized to assess particular complaints for their merit. Instead, the FCC role is generally limited to transmitting the consumer complaint to the carrier and requesting the service provider to contact the customer and try to solve the problem. According to material in the frequently asked questions on the FCC informal Internet complaint website, consumers that make the effort to make a complaint should not expect the FCC to contact them or follow up with their case:

“Does the FCC contact me directly about my complaint?”

*No, the FCC serves your complaint on your provider(s) and the provider is obligated to respond to your complaint within 30 days and provide the FCC with a copy of that response. It is likely that your provider(s) will contact you to attempt to resolve your complaint.”*¹⁴

¹⁴ See: <https://consumercomplaints.fcc.gov/hc/en-us/articles/205082880-Filing-a-Complaint-Questions-and-Answersunicat>

13. This statement illustrates that FCC’s informal complaint mechanism is not designed to function as a traditional legal dispute processing vehicle (e.g. such as small business courts or administrative tribunals) with the task of assessing the facts in each case, directing the parties to a bargain, impose a solution, and potentially punish the wrongdoer. The informal process essentially functions as a tool for facilitating communications by encouraging service providers to respond and correct harms experienced by their aggrieved consumer. The FCC further suggests the informal consumer complaint process enables collection of data about the consumer experience that may ultimately inform policymaking and deter undesirable behavior of regulated entities that negatively impact American consumers:

“We do not resolve individual complaints on these issues. However, the collective data we receive helps us keep a pulse on what consumers are experiencing, may lead to investigations and serves as a deterrent to the companies we regulate. Thank you for your help in informing our efforts”.¹⁵

14. Given that the FCC generally only forwards the complaint, rather than investigate and verify information it receives from aggrieved consumers regarding their particular problems, it has issued the following disclaimer in prefacing the documents it released per NHMA FOIA requests:

“Please be advised the FCC receives many complaints and comments that do not involve violations of the Communications Act or any FCC rule or order. Thus, the existence of a complaint or comment filed against a particular carrier or business entity does not necessarily indicate any wrongdoing by any individuals or business entities named in the complaint or comment. These documents represent information provided by the public that has not been verified by the FCC.”¹⁶

15. **Policy relevance:** Evaluating available evidence relating to the effectiveness of existing policies in achieving their objectives is usually a first step in contemplating adjustments to them. This is particularly the case for substantive adjustments to regulatory frameworks for the operation of market systems which can have large positive and negative impacts on particular groups of market participants. This author has found little evidence to suggest the Commission has conducted a systematic analysis of the large volume of complaints and carrier responses in order to “keep a pulse on what consumers are experiencing”.¹⁷ Lack of public disclosure prior to the

¹⁵ See: <https://consumercomplaints.fcc.gov/hc/en-us/articles/202752940-Your-Role-in-the-FCC-Consumer-Complaint-Process?from=button>

¹⁶ FCC Response to NHMC FOIA request. Available at: <https://www.fcc.gov/response-nhmc-foia-request>

¹⁷ If there were any investigations, information about them would be confidential and the FOIA disclosures do not provide any information on how particular cases may have been resolved, or not.

recent FOIA releases per NHMC requests has further foreclosed on the possibility of other parties to probe the evidence and assist the Commission in understanding its implications.

16. Had the Commission looked into this body of evidence prior to formulating policy proposals in the Restoring Internet Freedom NPRM, it may have gained a better understanding of problems facing consumers that led the Commission to recognize that in fact broadband Internet access has become as a basic telecommunications service just two years ago. In the context of the proposed regulatory course reversal regarding Title II versus Title I classification of high-speed access, it would have been reasonable to suspect that the complaint documents may contain information that helps establish how consumers and carriers in fact conceptualize broadband access services in their contractual relationships (i.e. common usage of the terms of the “offer” in the market as a basic data delivery service versus a bundle of enhanced information services). While the Courts recognize the Congress has delegated significant discretion to regulatory agencies such as the FCC, any such determinations by agencies must have some basis in actual facts about the nature of the product on offer and common conceptualizations of the “offer” in the marketplace by buyers and sellers.¹⁸
17. **Scope of data:** This author has reviewed communications between FCC and NHMC documented in Attachments to the Joint Motion to better understand the process which the FCC has used to identify responsive complaints from its complaint databases. There is little information on the methodology the FCC has used to search its own records for responsive documents. It appears that agency staff have used simple keyword searches to identify and segment complaints documents it considered to fall within the scope of the NHMC FOIA request (e.g. general concepts such as the “Internet”, “open Internet”, “neutrality”, as well as more specific concepts such as “blocking”, “throttling”, “data caps”, “privacy”, etc.). The FCC has produced a number of spreadsheet files with some metadata on each complaint per categories it utilized to compile the data; including information on the date, city/state of the complainant, and the name of the company they were complaining about. Notably, the filed for case “resolution” in these spreadsheet files is empty. This further captures the fact that FCC’s informal complaint process

¹⁸ In the words of Justice Scalia: “..... it would be odd to say that a car dealer is in the business of selling steel or carpets because the cars he sells include both steel frames and carpeting. Nor does the water company sell hydrogen, nor the pet store water (though dogs and cats are largely water at the molecular level). But what is sometimes true is not, as the Court seems to assume, *always* true. There are instances in which it is ridiculous to deny that one part of a joint offering is being offered merely because it is not offered on a ‘stand-alone’ basis... If, for example, I call up a pizzeria and ask whether they offer delivery, both common sense and common ‘usage’....would prevent them from answering: ‘No, we do not offer delivery-but if you order a pizza from us, we’ll bake it for you and then bring it to your house.’ The logical response to this would be something on the order of, ‘so, you do offer delivery.’ But our pizza-man may continue to deny the obvious and explain, paraphrasing the FCC and the Court: ‘No, even though we bring the pizza to your house, we are not actually “offering” you delivery, because the delivery that we provide to our end users is “part and parcel” of our pizzeria-pizza-at-home service and is “integral to its other capabilities”.’.... Any reasonable customer would conclude at that point that his interlocutor was either crazy or following some too-clever-by-half legal advice.” At pages 3 & 4. “This is not only bizarre. It is probably unconstitutional.” At 14. Citations omitted. Scalia J. (joined by Souter, Ginsburg) dissenting, *National Cable & Telecommunications Association v. Brand X Internet Services*, 545 U.S. 967 (2005).

is designed to facilitate communication and negotiation by requesting carriers to respond to aggrieved consumers (i.e. not to investigate and resolve particular disputes or to identify wrongdoing or punish the wrongdoers).

18. The manner in which data files of the complaint documents were produced, as well as missing carrier responses and related documents, do not allow us to develop a systematic picture of how the complaints were resolved, or not. The content of the communications from consumers, responses by service providers, and FCC ombudsperson emails are provided in sets of separate pdf documents. Table 1 provides an overview of the types and number of informal complaints as segmented by the FCC in its FOIA response.

Table 1: FCC Informal Consumer Complaints	
Blocking	619
Data Caps	25,875
Inaccurate Disclosures	334
Inconsistent Speed	1,149
Interference	6,314
Jamming and Blocking	872
Less Than Advertised Speed	2,451
Privacy	8,801
Throttling	1,361
Other	6,197
Total	53, 973
Source: https://www.fcc.gov/response-nhmc-foia-request	

19. **Exclusions and extensions:** This is a preliminary report aimed at providing a high-level overview of the content of the complaints documents. We therefore do not analyze information contained in spreadsheets about the complaints compiled by the FCC in response to NHMC's FOIA request. It is however important to note that the location of complaining users and identity of service providers they are complaining about can offer new insights in the context of questions raised in this proceeding. The Commission or other parties may wish to further analyze and comment on the information contained in these files. For example, incidence of different types of complaints is likely to vary across regions of the country and service providers that dominate regional markets. Understanding which types of carriers generate which types of consumer complaints might be helpful for developing effective public policies and business strategies that enable broadband service providers improve the quality of Internet access services

they deliver to their customers.¹⁹ Further analysis of the FCC complaint metadata files may also be valuable for identifying regions and communities across the U.S. where barriers to accessing the open Internet are particularly acute due to incidences and types of complaints.

20. For distinct reasons, we exclude the content of two of the largest complaint document files associated with “data cap” and “privacy” from this preliminary analysis. In the case of complaints designated as relating to data caps by the FCC, this is because the large volume of these complaints may be the product of previous consumer advocacy campaigns that enabled consumers to express their concerns about capacity constraints they face. Since such complaints may be a reflection of general concerns by people about capacity constraints, they do not necessarily arise out of specific contractual conflicts between users and providers. We also exclude complaints about “privacy” from the analysis based on the assumption that these concerns tend to refer to breaches and actions by third parties of sensitive personal information, not necessarily the network provider. This assumption may be incorrect and could be tested further. Narrowing the scope of this preliminary study by excluding these two large classes of complaints enhances the robustness of the results by reducing potential “noise” and enables us to extract informative “signals” that emerge from the content of the informal complaint documents. The Commission and other parties may wish to explore these elements of complaint documents that are now on the public record further in the context of this proceeding as reversing the classification of Internet access services from Title II to Title I will restrict the ability of the FCC to protect vulnerable consumers and adopt other policies to counteract broadband market failures in the future.
21. **Sample:** With the exclusions noted above, we are left with a sample around 20,000 informal complaints the content of which reflects information from adverse experiences by consumers trying to access the open Internet via high-speed broadband networks to which they subscribe. We also have 823 pages of carrier responses (out of at least 18,000) to these complaints and around 1,500 FCC ombudsperson emails in corpuses analyzed in the subsequent section.
22. **Methodology:** To develop a systematic overview of the evidence, we utilize quantitative Natural Language Processing (NLP) methods to analyze what consumers were trying to convey to the agency in their informal complaints and related documents noted above. There is a wide variety of approaches and software tools available for particular NLP technologies in personal and business applications, including special purpose tools for monitoring textual and verbal communications between employees and customers. Some of the members of NCTA/USTelecom may be familiar with these technologies as they are increasingly used by

¹⁹ For an analysis of growing divide in terms of measured service quality/speeds among large U.S. network infrastructure providers *see* Rajabian, R., & Middleton, C. (2017). Strategic choice and broadband divergence in the transition to next generation networks: Evidence from Canada and the US. *Telecommunications Policy*. <http://www.sciencedirect.com/science/article/pii/S0308596117301143>

customer service departments of large organizations to monitor and improve the value the company delivers to its customers. A growing body of research is also beginning to apply NLP technologies to analyze large bodies of information in the analysis of law and policy,²⁰ including telecom policy development.²¹ For example, this author has previously used a broadly similar methodology as in this report to map the positions of different groups of stakeholders based on the texts of their formal submissions in the development of the FCC in 2015 *Open Internet Order*.²²

23. In the analysis that follows, we utilize a general-purpose NLP/text analytics tool that is designed to extract concepts and themes as they “naturally” emerge from communications by calculating quantitative measures of their co-occurrence relative to each other.²³ In broad terms, we utilize a two-stage process to analyze the content of consumer complaint documents:

- **Quantitative analysis:** First we extract the text of the document and generate quantitative indicators of frequencies by which the words in the corpus co-occur. The resulting co-occurrence frequency matrix is then used to identify “concepts” as words that tend to appear relatively more frequently in the context of other words in blocks of sentences that make up the corpus.
- **Relational analysis:** In the second stage we explore underlying relationships among concepts discovered based on quantitative indicators of their relevance in the first stage, using iterative clustering algorithms designed for identifying groupings of concepts (i.e. “themes”) based on their co-occurrence frequencies and mapping connections among them.

²⁰ For an overview see: Ngai, E. W. T. and Lee, P.T.Y.(2016) A review of the literature on applications of text mining in policymaking. Proceedings of the Pacific Asia Conference on Information Systems (PACIS). <https://pdfs.semanticscholar.org/348b/ef63226e9a7c0217182d6b720b4c761cf82b.pdf>

²¹ See e.g. Epstein, D., Roth, M. C., & Baumer, E. P. (2014). It's the definition, stupid! Framing of online privacy in the internet governance forum debates. *Journal of Information Policy*, 4, 144-172. <http://www.jstor.org/stable/10.5325/jinfopoli.4.2014.0144> ; Rajabiun, R. and Middleton, C. (2015). Public Interest in the Regulation of Competition: Evidence from Wholesale Internet Access Consultations in Canada. *Journal of Information Policy* 5 (2015): 32-66. <http://www.jstor.org/stable/pdf/10.5325/jinfopoli.5.2015.0032.pdf>

²² See Rajabiun, R. (2015). Beyond Transparency: The Semantics of Rulemaking for an Open Internet. *Indiana Law Journal, Supp.*, 91, 33. <http://ilj.law.indiana.edu/beyond-transparency-semantics-of-rulemaking-for-an-open-internet/>

²³ See Smith, A. E., & Humphreys, M. S. (2006). Evaluation of unsupervised semantic mapping of natural language with Leximancer concept mapping. *Behavior research methods*, 38(2), 262-279. <https://link.springer.com/content/pdf/10.3758/BF03192778.pdf> ; <https://info.leximancer.com/>

24. **Human supervision:** It is nevertheless important to note that some measure of expert human supervision remains for analyzing unstructured bodies such as the FCC consumer complaint documents. For example, our software has algorithms that help merge word variants. However, these “stemming” algorithms do not always work perfectly and multiple variations on the same essential concepts can emerge from the purely quantitative analysis. Other statistically relevant concepts may not be informative, for example words that connect other words or formulaic components that appear repeatedly in the text (e.g. “please”, web site addresses, etc.). Including these noisy elements in the analysis can make it hard to identify informative concepts that emerge. Some measure of noise filtering through manual merger of word variants into a single concept and suppression of uninformative elements of the text is therefore necessary. We generally filter/suppress statistically significant “name-like” concepts we discover, such as the “FCC” or the names of large service providers that commonly appear in the consumer complaints. This allows us to focus “word-like” concepts that reflect ideas expressed in the communications among the parties. The clustering algorithms used to map discovered concepts are stochastic, which means they do not necessarily always converge to the same place (i.e. state of the semantic network). The author has tried to check the robustness of the results that are presented here using different clustering models and assumptions to ensure they converge to broadly similar stable states.

25. **Results:** In discussion that follows “concepts” are defined quantitatively as the most frequent word in collections of words that travel together in blocks of text (i.e. in the context in which they appear; not simple keywords in the usual sense/as represented in traditional word clouds; each “context block” is defined as two sentences for the purposes of this analysis to capture interconnectedness among the words as they travel together). “Themes” are defined as higher level groupings of concepts that tend to travel/cluster together, which are purely statistical constructs named as the most frequent concept in that particular concept cluster. We present the results of the preliminary analysis in three different formats:

- **Content maps:** In the next section we primarily rely on two-dimensional visual depictions of the content of the three classes of documents to characterize statistically relevant concepts and themes as they naturally emerge from the corpuses. These visualizations are “heat mapped”, with the most relevant concept and clusters appearing in red, then orange, yellow, blue, green, and so on. The proximity and links among individual concepts in the figure are determined using stochastic clustering models for exploring interconnectedness of semantic elements in the text that tend to co-occur. The visual depictions of the quantitative content analysis are relevant as they should be

relatively easy to interpret by most readers without specialized knowledge of content analysis or telecom policy.²⁴

- **Statistical relevance:** Basic quantitative indicators of the content of the documents underlying the visualizations are co-occurrence frequency matrices of the concepts extracted from the corpuses. Based on this data we construct and present a normalized “relevance” metric that helps capture the interconnectedness of particular concepts to the rest of words and ideas in the corpus. This metric particularly informative as it is normalized to 1, with the most important emerging concept defined to be associated with 100% of context blocks (which we define as two sentences in this analysis).
- **Representative extracts:** Since they arise from everyday problems facing a very heterogeneous body of consumers trying to access the Internet, the complaint documents offer a semantically rich and complex body of communications. We reduce this complexity through quantitative content analysis to focus on key questions in this matter. To assist readers interested in learning about the diverse individual circumstances from which the body of consumer complaints arises, the Appendix provides a set of representative text extracts from the complaints. These extracts reflect small parts of the much larger body of complaints and are selected because they incorporate some of the more statistically relevant concepts discovered from the corpus of complaints. As such, the Appendix offers a glimpse into the complex manifestations of barrier facing American consumers summarized in this report through quantification as they arise naturally “in the wild”.

²⁴ Some readers may be able to visualize the two-dimensional content maps presented here in a three-dimensional space, where hotter/brighter concepts and themes represent peaks of mountains and hills of emergent/statistically relevant meaning from flat valleys below.

III. Content mapping and analysis

26. **Overview:** We evaluate the content of the informal complaint documents as follows. First, we document quantitative indicators of concepts emphasized by consumers in their informal complaints to the FCC. Then we provide visual depictions of statistically relevant concepts in terms of their interconnectedness to other words and aggregated them into a small set of higher level “themes” (i.e. concept clusters). We subsequently analyze samples of FCC ombudsperson emails and carrier responses to the consumer complaints that have so far been released per NHMC FOIA requests using a broadly similar methodology and summarize the results with visual depictions that should be readily interpretable by most readers. We conclude the section by using special “nested learning” algorithms to compare the emphasis placed by particular groups on key themes/concept clusters.
27. **Consumer complaints:** For reasons outlined earlier, we exclude complaints relating to “privacy” and “data caps” from the sample analyzed in this report. This leaves us with a sample of approximately 20,000. Some of these complaints are relatively short and include little information, while in others aggrieved consumers provide significant context and technical details about the problem they cannot resolve with their service providers.²⁵ Table 1 identifies nearly 100 of the most important concepts as measured by their “relevance” in the context of all other word-like concepts discovered from the corpus of complaints. The relevance indicator represents the percentage of text blocks in the entire corpus associated with a particular concept and is normalized (with the most important concept defined to be interconnected to 100% text blocks).

²⁵ Given the relative ease by which consumers can submit their informal complaints to the FCC, some comments are not necessarily related to the ability of that customer to access the Internet. Quantitative methodology to the analysis of the content of the complaint documents used here is particularly useful for abstracting away from the “noise” created by the unrelated and conceptually random complaints that exist within the larger corpus of relevant consumer complaints.

Table 2. Major Concepts Emphasized by Consumers in Informal Complaints to the FCC

% of context blocks relating to particular concepts					
Primary concepts		Secondary concepts		Tertiary concepts	
service	100	plan	16	due	9
internet	93	consumers	15	house	9
speed	59	video	15	believe	8
data	56	line	15	monopoly	8
caps	47	down	15	website	8
use	44	throttling	14	request	8
time	42	business	13	online	8
issues	39	download	13	neutrality	8
pay	38	account	13	past	8
month	35	tech	13	someone	8
provider	35	modem	13	competition	7
customer	31	computer	13	signal	7
calls	27	live	12	different	7
phone	27	information	12	router	7
work	25	blocking	12	content	7
problem	25	slow	11	broadband	7
connection	23	network	11	doing	7
day	22	hours	11	system	7
told	22	able	11	addresses	6
access	22	year	11	sent	6
company	22	money	11	free	6
area	21	open	11	during	6
complaint	19	continue	11	previous	6
cable	19	number	10	local	5
received	19	unlimited	10	rules	5
usage	18	devices	10	page	5
need	18	several	10	long	5
home	18	net	10	family	4
streaming	17	stop	9	via	4
limit	17	users	9	others	3
trying	17	support	9	public	3
people	17	personal	9	security	3

28. These quantitative indicators offer a systematic and concrete view of how consumers conceptualize their access to the Internet. “Service” and “Internet” emerge as the most relevant

concepts from the corpus, relating to almost all context blocks in the corpus. This not surprising since we are looking at consumer complaints to the FCC about Internet access. After the core concepts relating to the subject matter of Internet service, “speed” of “data” “connections” and “caps” on capacity that restrict the ability of consumers to “use” the Internet emerge as primary “issues” they are trying to convey to the FCC.

29. Below the key economic elements of the complaints regarding service delivery quality/speed and affordability of access to broadband data services, concepts relating to attempts by complaining consumers to resolve their “problem” with the “provider” and being “told” something about it. Subsequently, a number of more specific secondary concepts emerge relating to why slower than expected speeds and data caps restricting use of the Internet impact them as “people” “trying” to “access” “information” services they “need” at “home” and in “business”. A glance through the list of concepts ranked in descending order of relevance readily captures how problems with data delivery speeds are particularly pronounced in particular “times” of the “day” and with respect to particular applications (e.g. “streaming” “video”). Practices the consumers have been “told” or perceive might be the cause of “slow” “download” “connection” “speeds” appear in substantive proportions of the corpus of consumer complaints (e.g. “modem” problems, “throttling”, “blocking”).²⁶
30. In order to document the relationship between concepts that naturally emerge from the corpus, we utilize stochastic clustering algorithms to identify linkages among them based on their co-occurrence frequencies. Statistical clustering allows us to explore how particular concepts tend to move together in the text with minimal human supervision. Figure 1 offers a visual depiction of emergent concepts from the corpus of complaints and clusters them into four higher-level “themes”. These themes are statistical constructs and are named after the most relevant concept in that cluster/theme. Lines connecting the concepts into a “spanning tree” represent main linkages between the concepts as measured by their co-occurrence frequencies relative to other concepts in the corpus.

²⁶ i.e. in the second column of the Table in 10-20% of context blocks each. Discussions of the implications of the higher levels problems with less than expected connection speeds and capacity for the “family” of the consumer, the “public”, and in terms of “security” are present in about 5% of the blocks of text. Although these issues may not appear important from a quantitative semantic perspective, they are likely to be critical for understanding why people might care about speeds/quality of service their operators actually deliver and usage limits that restrict their access to the open Internet.

network management practices they consider reasonable, but lack credible commitments to deliver data transfer speeds/service quality their consumers might expect per their agreement. Imperfect contracting in the retail broadband market can create perverse incentives on the part of some service providers to substantially overestimate speeds/service quality they signal/advertise to users relative to the capacity that they have actually provisioned.²⁸

32. Moving counter clockwise from the red to the dark green cluster on the right-hand side of the Figure, the evidence captures efforts in terms of “time” consumers have spent contacting “tech” “support” and being “told” that the problem is with the “modem” or “routers” at their “house”. As documented later with the analysis of carrier responses to the complaints, this represents a common theme in responding to consumers complaining about service quality levels their operators are delivering. The cluster/theme on top of the Figure in blue captures what consumers “believe” might be barriers restricting “access” of their “family” to the “content” they need. The left-hand side cluster in light green includes problems relating to “data” “caps” that “limit” the ability of “users” to access content and application services they demand from an “open” Internet.²⁹ On the edge of this and the red cluster on the bottom, consumers appear to be

commitment mechanism and “best effort” up to xMbps are the norm. The risks of capacity under-provisioning are therefore primarily allocated to the customers trying to access the open Internet at times of the day when everybody else in their household and neighbourhood is trying to do the same. Lack of verifiable contractual performance commitments by sellers and quality of service variability have negative implications for the ability of users that require applications that need better than best effort service reliability standards. Information asymmetries between sellers and buyers about expected service quality levels create the potential for both distributional and productive inefficiencies by: a) Enabling low-performing providers to extract excessive consumer surplus by over-promising speeds relative to what they can actually deliver given their provisioning policies, b) Furthermore, untruthful signals by low-performing incumbent operators can reduce the incentives of higher-performing incumbents or potential entrants to invest in network capacity and new technologies as it obfuscates price/quality signals and degrades the ability of consumers to identify low from high quality offers in the market. See Sluijs, J. P., Schuett, F., & Henze, B. (2011). Transparency regulation in broadband markets: Lessons from experimental research. *Telecommunications Policy*, 35(7), 592-602. <http://www.sciencedirect.com/science/article/pii/S0308596111001029> Rajabiun, R., & Middleton, C. (2015). Lemons on the Edge of the Internet: The Importance of Transparency for Broadband Network Quality. *Communications & Strategies/DigiWorld Economic Journal*, 1(98), 119-136. https://works.bepress.com/reza_rajabiun/15/

²⁸ In addition to access technology and provisioning practices of operators, speed measurements reflect the demand/willingness of customers to pay for service packages advertising particular speeds at various price points. Even when higher speeds are advertised and consumers are willing to pay a premium to move up to a higher speed tier, these advertised speeds are not necessarily delivered. For example, evidence compiled by the State of New York in a lawsuit against one of the biggest cable broadband providers in the U.S. suggests actual speeds of premium plans (with 100-300 Mbps in advertised speeds) were up to 70% slower than those it had promised customers. See Supreme Court of the State of New York, case no. 450318/2017; available at: https://ag.ny.gov/sites/default/files/summons_and_complaint.pdf

²⁹ It is relevant to note that this is the case despite the fact that as noted we have excluded the large body of complaints defined in the FCC FOIA release as specifically relating to the topic of data caps from the sample of complaints analyzed here. The emphasis on data caps therefore emerges here naturally from individual complaints, not some sort of nefarious consumer advocacy campaign as AT&T has alleged in its ex parte disclosure opposing the NHMC Joint Motion. Although “unlimited” service packages are becoming common in the U.S. mobile market (with some form of speed limits above some threshold level of usage or on particularly network intensive applications such as high-definition video), fixed networks providers continue to rely extensively on two-part tariffs

attributing barriers that limit their access to the open Internet to a lack of “competition” for “broadband” services in their “area”. This area of the content map also captures consumers’ concerns about what they have “received” from the “cable” “company” compared to what they were expecting in terms of speeds in return for what they “pay” per “month”. At the intersection of concept clusters/themes at the center, the Figure captures the importance of access to the physical “network” “people” “need” to “use”.

33. This purely quantitative perspective on the evidence is particularly relevant in the context of the procedural questions raised in response to the NHMC Joint Motion by the Opposition. The content of the complaints suggests consumers tend to perceive their access to the Internet primarily in terms of the speed/quality and the quantity of data services that enable them to utilize content and application services that meet their heterogeneous needs. This is consistent with the conceptualization of Internet connectivity as a basic stand-alone telecommunications service distinct from the variety of information services consumers can procure on top of multipurpose broadband telecommunications networks. The quantitative textual perspective on how consumers perceive broadband connectivity is consistent with the common law conceptualization of the nature of broadband Internet access as a standalone “offer”; as outlined by Justice Scalia more than a decade ago in the seminal dissent in *Brand X*.³⁰ The emphasis by consumers on the quality and capacity of the data delivery services in the core of their complaints is also consistent with the evidentiary basis that ultimately led the Commission to formally recognize in 2015 that broadband has in fact become a basic “telecommunications service” for the delivery of data at high-speeds Americans need for accessing personal and business applications from the open Internet.
34. The consistency of the perspective offered by the quantitative analysis of the complaints with common understanding of broadband Internet access as a standalone telecommunications service is not surprising. What is more surprising is that the Commission does not appear to have looked into the large body of complaints consumers communicated to it in order to evaluate if the proposed course reversal outlined in the NPRM is factually justified or economically desirable from a consumer welfare perspective. The analysis of the new consumer complaints the FCC has

involving restrictive data caps. In addition to helping maximize consumer surplus an operator can hope to extract from its scarce network capacity, such caps can be utilized strategically to limit the scope for technological “convergence” through “cord cutting” and procuring over-the-top (OTT) “information services” (i.e. telephone, TV) from competing vendors on the Internet. The relatively higher degree of retail competition in the mobile compared to fixed broadband markets may explain growing differences in the design of capacity pricing strategies at the retail level across the two sub-markets. This can change in the future as public policy and market competition co-evolve (e.g. reclassification of broadband, mergers and acquisitions activity).

³⁰ See *supra* note 18. The inconsistency between the economic reality of broadband as a basic standalone “telecommunications service” and the impetus by the FCC to define it “information service” motivated the dissent in *Brand X* and can explain this insightful statement by Justice Scalia in that case: “This is not only bizarre. It is probably unconstitutional.” At 14. Scalia J. (joined by Souter, Ginsburg) dissenting, *National Cable & Telecommunications Association v. Brand X Internet Services*, 545 U.S. 967 (2005).

disclosed per NHMC FOIA requests nevertheless offers a relevant factual basis that further establishes consumers commonly perceive the broadband “offer” as a basic “telecommunications service” for the delivery of “high-speed” access to the open Internet. Conceptual emphasis by American consumers on quality and affordability of services their providers deliver may help the Commission appreciate why the vast majority of (non-bot) comments from consumers in this proceeding tend to oppose the proposed adjustments to the regulatory framework outlined in the NPRM.³¹

35. In terms of future policy research, it would be readily feasible to expand the analysis by further disaggregating the overall corpus of complaints, focus on particular sub-sets of the evidence, and/or dig deeper into lower level concepts using the same methodology. The high-level perspective provided here is relevant for capturing main elements of the way consumers perceive broadband access and barriers that limit their ability to use Internet content and application services that meet their heterogeneous needs. For those interested in developing a more intuitive picture of complex everyday manifestations of key issues analyzed in this section, the Appendix offers a list of representative text extracts from the complaints selected because they include some of the quantitatively relevant concepts. These extracts exemplify varied manifestations of essentially the same problem with slower than expected speeds available to American consumers trying to access the open Internet.
36. **Ombudsperson emails:** As detailed earlier, FCC’s informal complaint process does not require a substantive assessment of the individual consumer complaint by the agency. Complaining consumers should generally not expect to hear back from the FCC since the agency forwards the informal complaint to the relevant carrier and requests they provide a formal response to the aggrieved consumer in a timely fashion. The FCC has not published any data that captures if and, if so, how particular cases may have been subsequently resolved. Some consumers have appealed their cases to the FCC ombudsperson, a position created under the *2015 Open Internet Order*. The responsibility of the ombudsperson is advocating on behalf of aggrieved consumers with unresponsive carriers. The power of the ombudsperson is limited to requesting service providers to respond formally to complaints by consumers that choose to actively pursue their cases as it cannot impose a compensatory remedy, fine or compel carriers to address particular complaints. The FCC FOIA document release contains around 700 pages of ombudsperson emails (around 1,500 emails). Given that there are around 50,000 complaints in the FCC disclosure, the small size of the ombudsperson emails documents the relatively limited authority of this office and resources the FCC allocates to following up on informal complaints consumers

³¹ See Thuen, C. (2017) Discovering truth through lies on the internet - FCC comments analyzed.

<https://www.gravwell.io/blog/discovering-truth-through-lies-on-the-internet-fcc-comments-analyzed>

Brodkin, J. (2017) 98.5% of unique net neutrality comments oppose Ajit Pai’s anti-Title II plan.

<https://arstechnica.com/tech-policy/2017/08/isp-funded-study-finds-huge-support-for-keeping-current-net-neutrality-rules/>

forward to the public agency. Figure 2 depicts relevant concepts that emerge from the content of these emails in a manner that helps link the analysis of consumer complaints above with those of carrier responses below.

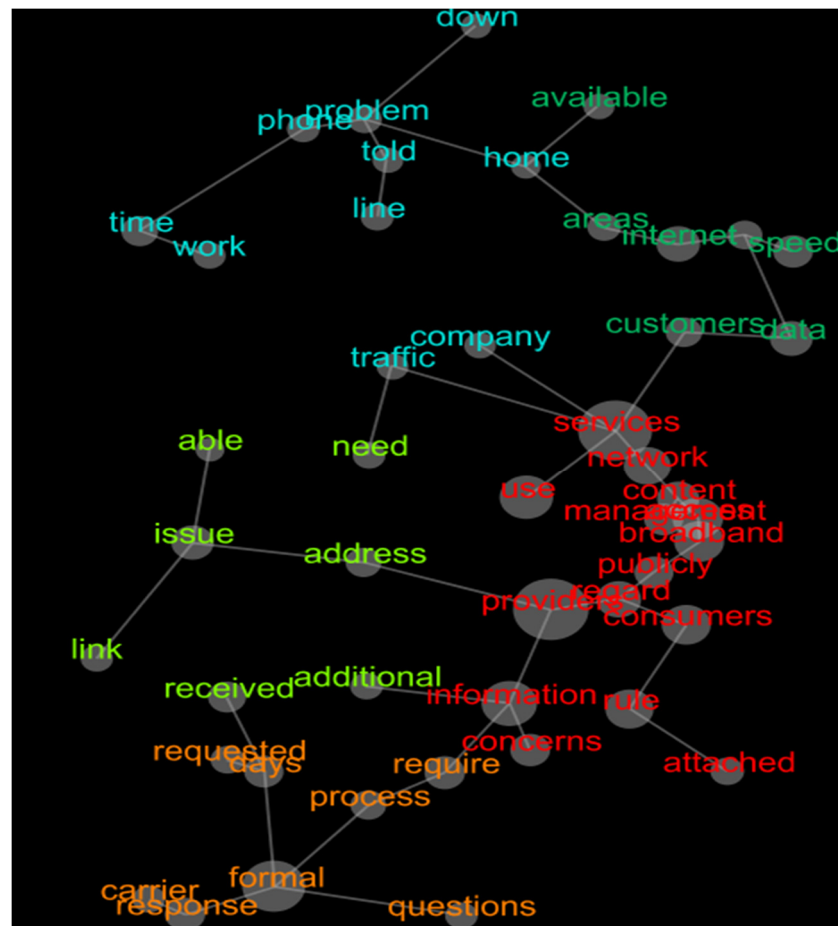


Figure 2. Content Map of FCC Ombudsperson Emails

37. Moving down from the top of the Figure, the visualization documents ombudsperson's appeal on behalf of the consumer, reiterating the "problem" they are having at "home" and what the customer has been "told" by the company on the "phone". Less than expected "Internet" "service" "speed" that restrict the consumer's ability to "use" the "network" and access "content" they "need" emerge as key reasons for the complaints ombudsperson is inquiring about (in dark green and red on the right-hand side). "Network" "management" practices of the provider emerge as central issues relating to the ability of "consumers" to "use" their service and access "content" they demand. Ombudsperson communications tend to refer to a "rule" and request that carriers provide a "formal" "response" to the "questions" raised in the complaint in a number of "days" as "requested" (bottom of the Figure in orange).

38. The relatively small set of ombudsperson emails released so far by the FCC likely represents an incomplete picture of relevant communications as specified in NHMC's FOIA requests. Even with this relatively small sample, the analysis clearly captures the role the FCC and its ombudsperson play in advocating on behalf of consumers with the carriers for a response to why the service provider is not delivering what their customers expected. The existing informal process represents a relatively flexible approach to encouraging providers to be transparent about why they may not be meeting expectations of their customers, without limiting the carriers' discretion to implement reasonable network traffic management practices they consider might be necessary when the provider has invested too little in provisioning capacity compared to what it had promised to its customers.
39. Beside being honest about why they are not delivering what their customer expected, there is little evidence to support the Commission's presumption noted in the NPRM about potential "regulatory burden" of the so-called "enhanced" transparency rules.³² FCC's informal complaint mechanism is not designed to investigate and punish, but works primarily by transmitting information from an aggrieved consumer to service providers not sufficiently responsive to that customer's concern. Since monetary penalties are not available and the FCC ombudsperson does not have the authority to compel providers to remedy the situation, the informal complaint regime in place represents a relatively "light-touch" approach in the spectrum of mechanisms for the implementation of substantive provisions of the 2015 *Order*.³³ Beside being honest with their customers, it is not clear what type of unreasonable "regulatory burden" the "enhanced" transparency rules place on the carriers or why the Commission is characterizing the existing regime as a "heavy-handed regulatory framework".³⁴ If the Commission wanted to create a regulatory framework that protects consumers more effectively against failures of carriers to deliver what they are promising or violations of non-discrimination rules in the 2015 *Open*

³² NPRM at paragraphs 49, 89-91.

³³ From an economic perspective, the design of the "enhanced" transparency rules and the FCC informal process for encouraging compliance with them demonstrates substantive risk aversion to "false positive errors" in the 2015 *Open Internet Order* (i.e. preventing efficiency enhancing behavior/transaction). Under the existing regime for the implementation of the transparency rules, parties that violate their duties to their customers to act in a transparent manner face zero expected punishment for not acting in a transparent manner and obfuscating the terms of the "offer" (i.e. "confusion-based" marketing strategies). Claims about the "regulatory burden" of enhanced transparency are likely emphasized primarily by operators who have been or plan to act in a non-transparent manner in the way they advertise their "best effort" services in the retail market. Some form of monetary penalties that actually increase the "regulatory burden" on dishonest sellers (i.e. reduce "false negative" errors of the system) might be optimal to adopt if the FCC is committed to effectively promoting incentives of lagging/less than honest service providers to adequately inform current and potential customers about the terms of contracts they are offering. For general discussions of applications of economic theory to balancing different types of potential errors in the implementation of substantive legal rules see: Polinsky, A. M & Shavell, S. Public Enforcement of Law; and, Rajabiun, R. Private Enforcement of Law. Chapters 1 & 2 in Encyclopedia of Law and Economics: Criminal Law and Economics. (Nuno Garoupa ed., Edward Elgar Publishing 2009). https://www.e-elgar.com/shop/criminal-law-and-economics?website=uk_warehouse

³⁴ Restoring Internet Freedom NPRM, page 4492. Also see pages: 4440, 4451, 4493,

Internet Order, it could have done so by providing for monetary penalties and/or authorizing the ombudsperson to compel operators to address valid concerns identified by their customers.

40. From an economic perspective, it is important to note that the FCC informal complaint process should be viewed as a flexible approach that could potentially benefit investors in carriers who are falling behind their rivals. Although some providers may choose to simply respond to the FCC request with form letters without seriously looking into their consumer's complaint, others can take the opportunity to actually look into their own network diagnostic and information systems for signals that help them better understand why they may have failed to meet their customers' expectations. This information can be leveraged internally to identify gaps in network infrastructure and business processes to improve the value the firm delivers to its subscribers, retains old and attracts new ones, and ultimately charge a higher premium for higher quality of data delivery services. While managers of lagging providers may consider enhanced transparency about why they are failing to deliver relative what they promised to their customer a "regulatory burden", owners of firms that leverage additional information the FCC informal complaint process generates to improve the value they deliver to their customers are likely to gain from the existence of the relatively "light touch" "enhanced" transparency rules in place today.
41. As in the case of consumer complaint documents released per NHMC FOIA requests, the sample of ombudsperson emails offer valuable insights that would have been prudent to consider in formulating the policy shifts outlined in the NPRM. However, only a small sample of internal FCC communications about the processing of consumer complaints has been released so far. Disclosing remaining internal material outlined in the NHMC FOIA requests may help shed further light on the workings of the FCC's informal complaint process and enable the Commission to improve it in a manner that benefits both consumers and service providers motivated to meet growing demand by American consumers for scarce network resources.
42. **Carrier responses:** The Commission has confirmed in its communications with the NHMC that it has in its possession around 18,000 carrier responses to the informal consumer complaints. Out of this total, only 823 pages of carrier responses had been released so far. Figure 3 provides a visual depiction of relevant concepts extracted from this sample of formal responses from the carriers to requests from the FCC staff and/or its ombudsperson to provide the aggrieved customer with an adequate response to the problem.

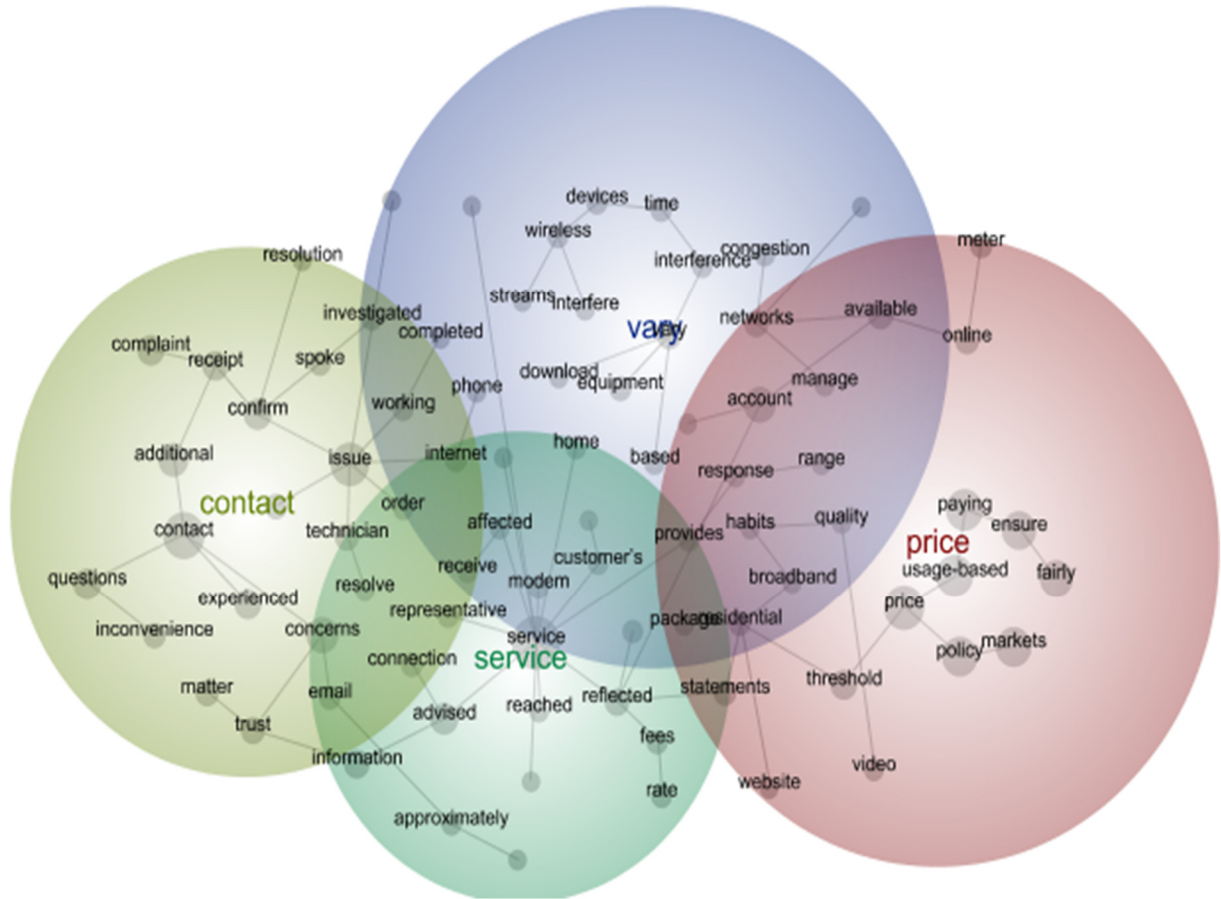


Figure 3. Service Providers Perspective on their Failures to Meet Their Customers' Expectations
 (Content map of primary concepts carriers emphasized in their formal responses
 to informal consumer complaints submitted to the FCC; n ~ 823 pages)

43. Moving from left to right, the first cluster of concepts relates to “receipt” of the “complaint”, the “inconvenience” that may have been caused, “order” to the “technician”, and expression of “trust” that the “concerns” have been resolved (in light green). This theme in the carrier responses is consistent with standardized “form letters” from customer service departments in any industry. In response to “service” quality/speed concerns driving the complaints, carriers tend to attribute less than expected speeds primarily to the “customer’s” “modem” (in darker green on the bottom). Carriers go on to emphasize a number of other potential causes for why actual connection speeds “vary” from those the customer was expecting per their retail contracts. These include “wireless” “devices” and other “equipment” at the “home”, as well as the need to “manage” “congestion” on the “network” (on the edge of blue and red clusters).
44. The most prominent theme in the visualization is the cluster surrounding terms of the contractual agreement relating to “price” and “quality” of the service the carrier delivers (in red). Shortfalls in service “quality” operators deliver relative to the consumers’ are in some way associated with “habits”, presumably of the consumers themselves for using too much data and congesting the

carriers' capacity constrained networks. Even though this may lead to less than expected speeds relative to the best effort/up to xMbps rates in the retail contracts, according to their responses the sellers maintain that the value they deliver reflect the result of a "market" process that "fairly" prices and allocates scarce capacity.³⁵

45. The emphasis on network management practices carriers consider necessary because of congestion on their capacity constrained networks for justifying why they might be failing to meet their customers' expectations is consistent with the flexible rule-of-reason approach to substantive design adopted by the Commission in the 2015 *Open Internet Order*.³⁶ In contrast to ex ante per se rules that restrict the boundary of permissible conduct by operators it could have adopted, the Commission provided service providers with significant flexibility and discretion to engage in traffic management practices they consider reasonable given their individual capacity constraints and business strategies.³⁷ The fact that the carriers are using "reasonable network management" exemption as a key reason for explaining their failures further highlights the high-

³⁵ The fact that U.S. carriers perceive their pricing reflects "fair" market value for what they are delivering in terms of speeds and capacity is not surprising. According to international comparisons, U.S. carriers are able to charge substantially higher quality adjusted prices than their counterparts in most other advanced economies. See: Bischof, Z. S., Bustamante, F. E., & Stanojevic, R. (2014). Need, Want, Can Afford: Broadband Markets and the Behavior of Users. In Proceedings of the 2014 Conference on Internet Measurement (pp. 73-86). ACM. Figure 10, p. 81. Available at: <http://conferences2.sigcomm.org/imc/2014/papers/p73.pdf> ; European Commission (2017). Fixed Broadband Prices in Europe 2016. Available at: <https://ec.europa.eu/digital-single-market/en/news/fixed-broadband-prices-europe-2016> ; in light of international price comparison and existing affordability concerns in the U.S. market, it is pertinent to highlight that financial analysts confident the Commission will repeal Title II classification of broadband and thereby minimize its own capacity to promote competition and protect consumers already expect significant scope for price increases over the medium to longer term: See e.g. <https://ph.news.yahoo.com/ready-home-internet-prices-double-160153862.html> ; <https://potsandpansbyccg.com/2017/10/06/a-doubling-of-broadband-prices/> ; <https://www.techdirt.com/articles/20171004/09404038343/wall-street-predicts-apatetic-regulators-limited-competition-will-let-comcast-double-broadband-prices.shtml>

³⁶ The reasonable network management exception applies to all the rules outlined in the 2015 *Order*, except the prohibition on paid prioritization: "A network management practice is reasonable if it is primarily used for and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of the broadband Internet access service." See para. 32. This construction provides significant discretion for operators to engage in discriminatory traffic management practices while justifying their actions as a technical necessity. It also provides the regulatory agency with significant discretion to determine what type of practices are reasonable, which can be a challenging task in complex and rapidly evolving broadband Internet access markets.

³⁷ For discussions of economic trade-offs in the application of per se versus rule-of-reason in design of prohibitions against anticompetitive and abusive practices see: Christiansen, A., & Kerber, W. (2006). Competition policy with optimally differentiated rules instead of "per se rules vs rule of reason". *Journal of Competition Law and Economics*, 2(2), 215-244. <https://academic.oup.com/jcle/article-abstract/2/2/215/892423> ; Rajabun, R. (2012). Private Enforcement and Judicial Discretion in the Evolution of Antitrust in the United States. *Journal of Competition Law and Economics*, 8(1), 187-230. <https://academic.oup.com/jcle/article-abstract/8/1/187/818261> For an analysis of the balance between per se v. rule-of-reason approaches to substantive design in the development of the 2015 *Open Internet Order*, see: Rajabun, R. (2015). Beyond Transparency: The Semantics of Rulemaking for an Open Internet. *Indiana Law Journal, Supp.*, 91, 33. <http://ilj.law.indiana.edu/beyond-transparency-semantics-of-rulemaking-for-an-open-internet/>

degree of “freedom” they already exercise under the regulatory framework established under the 2015 *Open Internet Order*.

46. More fundamentally, the evidence suggests carriers commonly conceptualize their “offer” as a basic data delivery service that connects the subscriber to the open Internet at potentially sufficient speeds. When they fail to meet their consumers’ expectations in terms of effective speeds, the carriers tend to attribute their failures to the necessity of using network management practices to manage congestion.³⁸ For providers that have failed to make sufficient investments in capacity enhancements in the past to deliver speeds their customers were expecting, utilizing network management practices that restrict their subscribers access to the open Internet may seem reasonable and “fair” for delivering the basic telecommunications service they are offering. This insight from the small sample of carrier responses to consumer complaints the FCC has released so far contradicts various claims across multiple regulatory and judicial proceedings by parties such as NCTA/USTelecom who are arguing that it would be reasonable to classify their “offer” as an enhanced “information service” under Title I. At least according to their responses to unsatisfied buyers, sellers also appear to conceptualize their “offer” as a stand-alone basic “telecommunications service” that is only delivered on a “best effort” basis. Insights from the new evidence is consistent with the logical model of the nature of the broadband Internet access service “offer” outlined by Justice Scalia in the *Brand X* dissent.³⁹
47. Making the rest of carrier responses public per NHMC FOIA requests may provide more probative evidence to explore about how carriers conceptualize services they offer and why they may be failing to deliver on what their customers were expecting. Nevertheless, the high-level content mapping of the small sample we have already challenges one of the key factual presumptions underlying the primary policy adjustment the Commission has proposed in the NPRM (i.e. Title II versus Title I). If both consumers and carriers commonly conceptualize broadband as a basic “telecommunications service”, the courts may have a hard time sustaining a rapid course reversal by an independent regulatory agency about the nature of multipurpose broadband access services American consumers depend upon for accessing content and other over-the-top (OTT) “information services” that meet their diverse needs from the open Internet.⁴⁰

³⁸ In essence, blaming their other customers’ “habits” for the problem facing the complaining customer.

³⁹ See *supra* note 18.

⁴⁰ Heterogeneity of demand partly explain why non-dominant minority communities such as those NHMC represents in this matter are particularly opposed to the reclassification of broadband from Title II to Title I, relaxation of network neutrality framework and “enhanced” transparency rules the Commission has proposed in the NPRM. See e.g. Comments of Voices for Internet Freedom Coalition, et al. <http://www.nhmc.org/wp-content/uploads/2017/07/comments.pdf> <http://www.nhmc.org/wp-content/uploads/2017/08/Voices-NN-Reply-Comment-Filed-08.30.2017.pdf>

48. **Comparative semantics:** To summarize the quantitative explorations above and compare the semantics of the parties, we further utilize special “nested learning” algorithms that enable semantic mapping of different corpuses in relation to each other. Figure 4 provides a visual depiction of emergent concept clusters/themes from the text of the entire corpus that includes communications from consumers, carrier responses, and the ombudsperson emails. Folders containing documents are “tagged” and concepts within them are “profiled” against the quantitative indicators of semantic emphasis. The proximity/distance between the folder tags captures the emphasis textual material it contains place on emergent themes relative to the entire corpus.
49. Clusters of concepts around “Internet” “service” “speeds” represent the most relevant themes (in red) emphasized by consumers in their complaints about their “connection”. Despite excluding complaints explicitly associated with “data caps” in the FCC FOIA release from the analysis, “caps” that limit “usage” of “content” “people” demand still emerge as a cluster of secondary themes (in purple on the bottom). Compared to other parties, the ombudsperson emails emphasize to the carriers that there are some “rules” in place for protecting and promoting consumer access to the “open” Internet. Carrier responses emphasize they are in contact/going to “contact” the “customer” to “address” “issues” raised in the “complaint”. Consumer complaints tend to conceptualize these problems in terms of barriers to “access” and “use” of the Internet by “people”, whereas the carriers tend to view these “people” as “customers” having “issues” with their “accounts”. Consumers and carriers clearly have different views of what they expect from their contractual arrangements in terms of advertised versus actual data delivery speeds.⁴¹

⁴¹ In this context, it is relevant to note that actual speeds operators deliver to their customers has increasingly varied across large broadband Internet access providers over the past decade. There are also significant differences in speeds across the urban-rural digital divide and in some cities within U.S. regions. While some infrastructure access providers have made the strategic decision to improve connection speeds relative to their competitors in particular areas by accelerating their investments in high-capacity fiber access networks, others have shown limited incentives to adopt advanced technologies and improve speeds relative to other large operators. See Rajabian, R., & Middleton, C. (2017). Strategic choice and broadband divergence in the transition to next generation networks: Evidence from Canada and the US. *Telecommunications Policy*. <http://www.sciencedirect.com/science/article/pii/S0308596117301143>

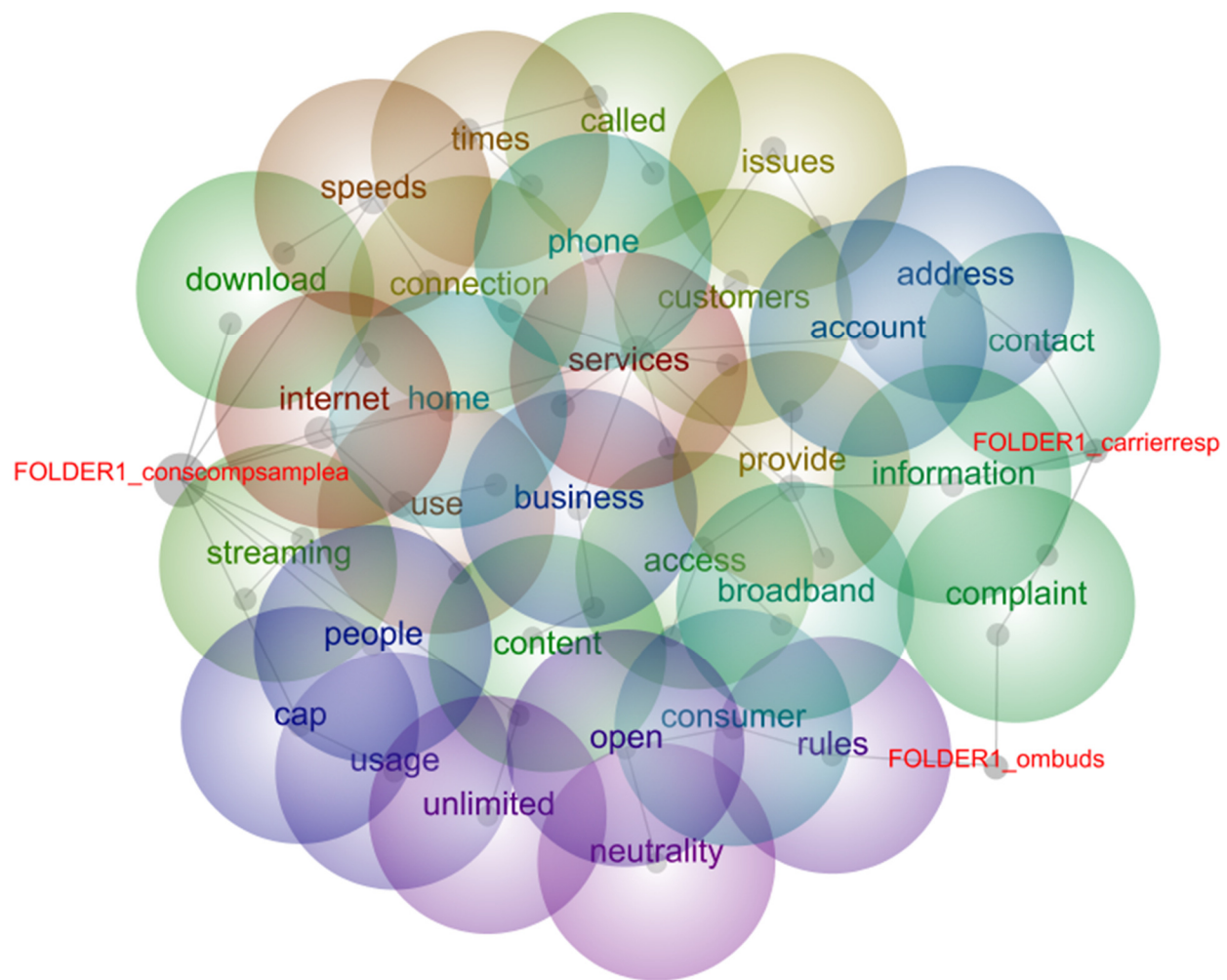


Figure 4. Comparative Semantics: Thematic Emphasis in Consumer Complaint Documents

IV. Interpretation and opinion

50. **Probative value:** The objective of this report has been to explore the probative value of complaint documents the FCC has released in the context of substantive and procedural question raised by the NHMC Joint Motion to (A) Incorporate the documents into the record of this proceeding, and (B) Initiate a new pleading cycle to allow other parties to comment on the body of new evidence that is now public. NCTA/USTelecom and AT&T take serious issue with these requests, calling them “nonsense” and “meritless” based only on a “ cursory” glance at the large volume of consumer complaints. They go on to claim that the FOIA documents do not represent evidence that is “directly relevant” to policies the Commission has proposed to adopt in the NPRM. On face value, claiming that consumer complaints about problems they are facing in accessing the open Internet are not directly relevant to a proceeding about basic regulatory issues relating to Internet freedom seems implausible. The strong opposition by NCTA/USTelecom and AT&T to including this body of evidence in the record of this proceeding and allowing the parties to comment on them should be perceived by the Commission as reasonable cause to question their claim about the “direct relevance” of this material to this proceeding.
51. The quantitative analysis of the content of the complaint documents illustrates that information contained in them offers a new window into the consumer experience and key elements of everyday barriers facing American consumers trying to access the open Internet. The evidence also further establishes that in fact both consumers and the carriers tend to commonly conceptualize the broadband “offer” as a basic “telecommunications service” delivered only on a “best effort” basis. Network traffic management practices of the operators that degrade service quality consumers experience relative to what they need and were expecting represent a key justification for their failures to deliver on their perceived contractual obligations. Proposals under consideration in this proceeding are likely to have implications for the ability of consumers to access content and applications that meet their diverse needs. Complaint documents clearly reveal slower than expected effective speeds and restrictive data cap already constrain the freedom of American consumers to utilize the basic broadband subscriptions they are paying for in order to reliably access enhanced “information services” they perceive they need on top of these connections to the open Internet.
52. **Limitations and extensions:** With respect to the question of initiating a pleading cycle to enable other parties to explore and comment on the complaint documents, it is important to reiterate that the analysis in this report has been conducted under restrictive timelines of the FCC process and only offers a preliminary overview of potentially relevant insights hidden in this large and complex body of evidence. We utilized a quantitative approach to identifying and mapping key concepts and themes to automate the analytical process and minimize the potential for analytical assumptions and biases to impact how we characterize what the parties were trying to convey to each other. The report aggregates conceptual emphasis from the corpuses and does not dig very deeply into underlying drivers of higher level concepts and themes. For those interested,

representative text extracts in the Appendix offer a glimpse into everyday manifestations of challenges facing people trying to access the open Internet the analysis in this report has summarized using quantitative content analysis/NLP techniques. Furthermore, this report does not explore information in the spreadsheets the FCC has released in conjunction with the text of complaints. The Commission or other parties in this proceeding may wish to address the limitations of this analysis and explore the potential implications of the evidence for their stakeholders.

53. **Procedural fairness:** Given that (A) The Commission did not make the relevant documents available in a timely manner for other parties to evaluate and reply to in the normal comment period, and (B) There is some preliminary evidence of the direct relevance of the information contained in these documents to the questions before the Commission, NHMC’s second procedural request for a new pleading cycle appears reasonable. Moreover, adopting this recommendation might enable the parties to help the Commission address fundamental flaws in the record of a proceeding about the regulation of broadband Internet access without considering the rich body of evidence generated thanks to efforts by American consumers who took their time to appeal to the FCC to help address barriers they are facing when trying to access the open Internet. In the view of this author it would have been prudent for the Commission to actually conduct a detailed analysis of the consumer complaints and carrier responses to them before starting to review, and proposing to change, a regulatory framework it just adopted two years ago.
54. **Summary of findings:** The analysis of the complaint documents provides a unique window into contractual tensions between buyers and sellers in the market for broadband access services. Representative text extracts from the consumer complaints in the Appendix offer a glimpse in the rich manifestations of everyday problems facing American consumers. Abstracting away from the details of the complaints, quantitative content analysis shows consumer complaints are primarily driven by less than expected “speeds” operators deliver. It also captures that slow connections to the open Internet restrict the ability of American consumers to “access” “content” and other information services they “need” at “home” for their “family” and for their “work”. In addition to less than adequate effective data delivery speeds, consumers identify “caps” on data allowances as a barrier to their access to the open Internet.⁴² In response to these complaints, the carriers tend to initially attribute the problem to customers “modem”, “Wi-Fi”, or other “equipment”. Nevertheless, they tend to go on to explain that the speed of their services “vary” due to “network” “congestion” necessitating their reliance on traffic manage practices that restrict actual speeds consumers receive compared to what they were expecting. Carriers’ responses suggest what the customers consider less than advertised access speeds are perceived

⁴² Please note that this aspect of the issue emerges from the evidence despite the fact that we excluded approximately 25,000 complaints identified by the FCC as relating to “data caps” in its NHMC FOIA disclosures.

to reflect the “fair” “market” value for what the consumers are paying. Given that broadband prices U.S. operators charge tend to be on the high-side of the scale compared to other advanced economies, this claim by the carriers in response to aggrieve customers receiving less than they expected should not be a surprise to the reader.⁴³

55. Consumer impacts: The Restoring Internet Freedom NPRM proposes to reclassify broadband connectivity as a Title I information service, thereby vacating the Commission’s authority to regulate traffic management practices carriers evidently rely on to manage scarce network capacity. Proposed changes in the rules are likely to encourage some operators to start directing more traffic into prioritized and potentially zero rated/sponsored “fast lanes” on both fixed and mobile broadband infrastructure. Network intensive information services such as video entertainment, games, and rich contextual advertising material are likely to be the primary candidates for migrating into this premium class of services.⁴⁴ Providers and users of these types of services tend to be precisely those willing to pay for prioritization/data sponsorship and may experience higher quality service delivery when accessing the subset of vendors and applications delivered in this premium class service delivery tier of the two-tiered Internet emerging around us. However, growth in traffic in these “fast lanes” will inevitably consume scarce capacity carriers claim in their responses to consumers complaints already limits their ability to deliver speeds they had promised the customer trying to access the open Internet (necessitating reliance on traffic management practices that degrade service quality relative to what the customers were expecting).⁴⁵ In a market where “best effort” service contracts are the norm and minimum warranties of service quality are not yet available to retail users, authorizing paid prioritization/zero rating is likely to exacerbate evident concerns by consumers about less than expected speeds and restrictive data cap when trying to access the open Internet.⁴⁶

⁴³ See *supra* note 35.

⁴⁴ For examples of what this bifurcation can mean in practice and the scope it creates for confusion-based marketing practices by operators, see e.g. <https://qz.com/1114690/why-is-net-neutrality-important-look-to-portugal-and-spain-to-understand/> ; <http://www.gizmodo.co.uk/2017/10/vodafone-passes-are-a-dystopian-glimpse-of-a-world-without-net-neutrality/>

⁴⁵ Negative externalities from growth in prioritized/sponsored fast lanes on service quality for other services represents one of the reasons why the Canadian Radio-television and Telecommunications Commission has recently restricted the scope for utilizing differential pricing/zero rating. See Telecom Regulatory Policy CRTC 2017-104. Available at: <http://crtc.gc.ca/eng/archive/2017/2017-104.htm> ; In Europe, Guidelines on the Implementation by National Regulators of European Net Neutrality Rules adopted by the Body of European Regulators for Electronic Communications (BEREC) also recognize and account for the negative externalities that can arise in moving to a multi-tiered service provisioning model: “Providers of electronic communications to the public, including providers of internet access services, may offer or facilitate such services only if the network capacity is sufficient to provide them in addition to any internet access services provided. Such services shall not be usable or offered as a replacement for internet access services, and shall not be to the detriment of the availability or general quality of internet access services for end-users.” See Article 3(5), BEREC Guidelines (2016), page 27.

⁴⁶ It is also relevant to note that operators that can find paying sponsors for zero rated/QoS guaranteed service delivery are likely to have relatively limited incentives to increase data caps on their retail service packages as they increase network capacity since they can generate an additional revenue from their fixed assets by allocating this

56. The negative welfare impacts in terms of quality adjusted prices for “high-speed” data services are likely to be particularly pronounced for consumers with preferences for information services, applications, and news from non-mainstream sources.⁴⁷ This includes for example NHMC stakeholders who tend to consume Spanish language information from diverse sources in the U.S. and abroad. Americans with disabilities, small and medium size businesses, and other subgroup of consumers with heterogeneous requirements are unlikely to be able to access these services in the emerging prioritized/zero rated premium service tiers. If the Commission authorizes the development of “fast lanes” without accounting for the negative impact of their growth on service quality and affordability in the “best effort” access paths to the open Internet, this can further exacerbate effective speeds as a barrier to access and use of the Internet.⁴⁸
57. **Digital divide:** While the negative externality from growth in prioritized/sponsored in terms of quality adjusted prices for accessing the open Internet will vary across operators, it is generally likely to accentuate existing digital divides across regions and communities within the U.S.⁴⁹ For example, potential increases in quality adjusted prices for accessing the open Internet on non-prioritized/data capped access paths associated with the proposed policy changes may not restrict access and use of the open Internet by higher income Americans. However, for lower income individuals and families, public policies that encourage the development of the “fast lanes” and increase quality adjusted prices in the slower “best effort” access paths are likely to accentuate existing quality and affordability barriers to access and use facing lower income vulnerable groups (e.g. children in low income households, older Americans, rural communities, etc.).

capacity to content and application providers willing to pay for prioritization/zero rating. More restrictive usage limits would have additional negative welfare implications for lower income American consumers by making it less affordable to access the open Internet.

⁴⁷ From a supply side perspective, moving to a tiered system without minimum service quality standards will likely also make it more expensive for smaller and medium size enterprises (SMEs) to reach their customers and limit entrepreneurial freedom. This negative supply side impact is likely to be particularly acute for the ability of already marginalized communities to tell their own stories and build businesses that leverage access to the open Internet. See e.g. Comments of Voices for Internet Freedom Coalition, et al. <http://www.nhmc.org/wp-content/uploads/2017/07/comments.pdf>

⁴⁸ In theory, service level agreements (SLA) that include minimum warranties of speed/service quality can mitigate the potential negative externality from growth in “fast lanes” on quality of service in the slow/standard access paths to the open Internet. SLAs are not yet available in the residential and small business markets, which makes it difficult for consumers to hedge against the risks posed by the proposed changes in the rules. Another option is mandating some minimum speed/quality of service standards that limits the ability of service providers to under-provision basic service capacity and mitigate consumer concerns about less than expected speeds.

⁴⁹ e.g. Rural communities, the South, Midwest, and South West, communities of color in lower income areas of urban centers, etc.

58. **Further claims:** In addition to claiming that the large body of consumer complaints about restrictions on their freedom to access the open Internet are not “directly relevant” to questions at hand, NCTA/USTelecom and AT&T offer two further claims against NHMC’s procedural requests. These claims relate to substantive elements of the proceeding and are worth addressing as this analysis of consumer complaint documents clearly contradicts them.
59. In the “white paper” accompanying AT&T ex parte disclosure summarizing the opposition it has expressed in person to FCC staff regarding NHMC’s requests per the Joint Motion, it cites the Courts’ interpretation of the APA: “An agency is not obliged to respond to every comment, only those that can be thought to challenge a fundamental premise.”⁵⁰ While consumer complaint documents are not “comments,” they do represent a large body of evidence regarding everyday implications of contractual failures between buyers and sellers. This body of evidence has two implications that meet the purported legal standard of challenging fundamental premises of the Commission in this matter.
60. **Regulatory design:** The high-level textual analysis of the documents NHMC FOIA requests have unearthed in this preliminary report has broad implications in the context of this proceeding and ongoing appeal of the 2015 *Order* by the same parties at the U.S. Supreme Court. The nature of FCC’s informal complaint process and analysis of its ombudspersons emails contradict the conceptualization of the 2015 *Open Internet Order* as a “heavy-handed regulatory framework”⁵¹ as presumed in the NPRM for this proceeding or “heavy-handed, public-utility regulation of broadband” and as framed by NCTA before the Supreme Court.⁵² Evidence from the consumer complaint documents casts substantial doubt on this fundamental presumption by the Commission and by NCTA/USTelecom in its concurrent appeal to the Supreme Court to void the 2015 *Order* on the ground that the existing regime represents a “heavy-handed” “regulatory overreach”.
61. In the spectrum of substantive and procedural design features that it could have adopted for promoting non-discrimination and market transparency in the 2015 *Order*, the Commission had the option of adopting much more “heavy handed” legal measures than it actually did. To ensure that its policies do not restrict the ability of infrastructure providers to manage their networks, it included both “reasonable network management” and “special service” exemptions in the 2015 framework. Furthermore, in the 2015 *Order* the Commission did not adopt the approach recommended by the FCC Chief Economist at the time to incorporate some form of minimum quality of service standards in order to minimize negative externalities from the development of

⁵⁰ AT&T ex parte, page 5. Citing *MCI WorldCom, Inc. v. FCC*, 209 F.3d 760, 765 (D.C. Cir. 2000)

⁵¹ Restoring Internet Freedom NPRM, page 4492. Also see pages: 4440, 4451, 4493.

⁵² NCTA; Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit, September 28, 2017. Pages 9 and 24.

a two-tiered Internet on “best effort” service quality for accessing the open Internet.⁵³ Emphasis by aggrieved consumers on less than expected effective speeds as the key impediment on their freedom to access the open Internet, as well as explanations by operators pointing to their network management practices as a key cause for their failure to deliver what their paying customers were expecting, should be viewed in the context of the relatively flexible “light touch” approach that is already in place.⁵⁴

62. Evidence from FCC’s informal consumer complaint process contradicts one of the fundamental premises of the NPRM regarding the “heavy-handed” nature of the 2015 *Open Internet Order* and the “regulatory burden” that its enhanced transparency rules impose on the carriers. While the Courts left the Commission with little choice but to recognize the economic reality of broadband as a basic “telecommunications service” under Title II authority,⁵⁵ there is little evidence to support the presumption by NCTA/USTelecom and the Commission in the NPRM that the existing regime for enhancing market transparency represents a “heavy-handed” “utility-style” regulatory framework with material “regulatory burden” on the carriers.⁵⁶

⁵³ Brennan, T. J. (2011). Net Neutrality or Minimum Quality Standards: Network Effects vs. Market Power Justifications. In *Network Neutrality and Open Access* (pp. 61-80). Nomos Verlagsgesellschaft mbH & Co. KG. <https://papers.ssrn.com/abstract=1622226>.

⁵⁴ While this is speculation, had the Commission listened to its own Chief Economist and adopted a more “heavy-handed” approach that included minimum speed/service quality standards of basic broadband service, the FCC and the carriers would be receiving fewer complaints from aggrieved consumers who cannot access the open Internet due to less than expected speeds associated with capacity under-provisioning strategies that ultimately necessitate “traffic management” in times of the day when everybody wants to use the Internet. In this light, instead of vacating the 2015 *Order*, the evidence analyzed here suggests it may be prudent in terms of both consumers’ freedom to access the open Internet and to promote infrastructure investment for the Commission to consider incorporating some form of mandated minimum standards of basic broadband service quality/speeds. Efficiency enhancing adjustments to the existing regime such as mandated minimum quality of service standards in the future will require retaining Title II authority. Please note that delivering minimum service quality guarantees is already technologically feasible using the same traffic management policy large carriers that enable carriers to engage in fine grained quality of service and price differentiation based on various features of the traffic such as sender and user identity or the load the traffic places on capacity constrained networks (e.g. low versus high definition video). See e.g. Sandvine (2015). Network Congestion Management: Considerations and Techniques. <https://www.sandvine.com/downloads/general/whitepapers/network-congestion-management.pdf> ; Transcript of Sandvine oral presentation before the Canadian Radio-television and Telecommunications Commission (CRTC). Examination of differential pricing practices related to Internet data plans CRTC 2016-192, October 31, 2016. <http://www.crtc.gc.ca/eng/transcripts/2016/tt1031.htm>

⁵⁵ See *Verizon v. FCC*, 740 F.3d 623, 646 (D.C. Cir. 2014), which vacated provisions against blocking and unreasonable discrimination of FCC’s 2010 order in the matter of Preserving the Open Internet, Broadband Industry Practices, Report and Order, FCC 10-201, 25 FCC Rcd. 17905 (2010).

⁵⁶ The 2015 *Open Internet Order* for example does not incorporate quality or price regulation at the retail or wholesale levels, which are key ingredients in both old and new style utility regulation. Although this proceeding is about quality of service and price differentiation at the retail level, it is important to note that repealing Title II authority will also foreclose on the ability of future Commission’s to utilize potentially efficiency enhancing essential facilities/interconnection obligation that might be needed to promote incentives of operators to invest in next generation fixed and mobile broadband platforms. See Rajabiun, R., & Middleton, C. (2015). Regulation, investment and efficiency in the transition to next generation broadband networks: Evidence from the European

63. **Nature of broadband:** This preliminary analysis of the large body of documents also casts serious doubt on another, more fundamental, premise about the nature of broadband access services underlying the policy strategy the Commission has proposed to adopt per the NPRM. American consumers appear to perceive barriers to accessing the open Internet they face primarily in terms the quality and capacity of multipurpose broadband networks they pay for in order to access “information services” on top of the broadband connections. This result from the quantitative analysis of the content of consumer complaints is not surprising because it is consistent with (A) The economic logic of Justice Scalia’s opinion in *Brand X* against earlier attempts by the Commission to define basic “high-speed” Internet access delivered on a “best effort” as an enhanced “information service”, (B) The direction outlined in the *Verizon* decision by the Courts a decade later for the FCC, and (C) The large and diverse body of evidence that supported the decision by the Commission to ultimately recognize that broadband Internet access is in fact conceived by American consumers as a basic of “telecommunications services” and determined it should be classified under Title II authority in the 2015 *Order*. Nevertheless, the new body of evidence from the informal consumer complaints documents lends further factual support to the decision by the Commission in 2015 to align the regulatory definition of broadband with economic reality.
64. What is a more novel insight from the documents is that service providers also appear to conceive of their broadband “offer” as a basic “telecommunications service” they deliver on a “best effort” basis distinct from enhanced “information services” that might run on top of it. In their response to their customers complaining about less than expected speeds their suppliers are delivering and how this limits their freedom to access over-the-top (OTT) applications they need, the carriers tend to attribute the problem to network management practices they have to use because of growing traffic from their customers. The carriers also apparently perceive the prices they charge for broadband subscription that are too slow to enable their customers to access what they need are somehow “fair”, even though they can “vary” significantly over time relative to what they had promised. The carriers clearly do not consider their broadband offers to include any sort of service quality warranty or other possible “enhancements” beyond their “best effort”. Both consumers and their service providers appear to consider broadband access as a basic and stand-alone “telecommunications service” that is supposed to deliver data at sufficiently high speeds. The big difference between the two groups is that the buyer expects the basic service they are paying for to enable them to access the open Internet, while the sellers do not appear to promise anything in their “best effort” data transmission “offers” about subscriber quality of experience and think it’s “fair” to be delivering widely varying speeds that fall short of expectations.

Union. *Telematics and Informatics*, 32(2), 230-244.
<http://www.sciencedirect.com/science/article/pii/S0736585314000549>

65. **Separability:** Regulatory classification of broadband as something that it has long ceased to be (i.e. a Title I enhanced “information service”), rather than the basic telecommunications delivery platform for accessing the open Internet that it has become, will restrict the ability of the Commission to adopt various types of policy measures that might be in public interest in the future (e.g. wholesale access/essential facilities obligations on non-duplicable facilities, consumer protection, universal access, public security, etc.). As the Courts made clear in *Verizon*, in the absence of Title II the FCC will have little authority to fulfill its statutory mandate with respect to the governance of the broadband ecosystem. The digital economy depends on the efficient functioning of this market. If the Commission chooses to vacate the network neutrality rules in the 2015 *Order* to encourage the development of “fast lanes”, without Title II authority it will limit its own future ability to implement other policy measures that will be needed to counteract the negative impact growing traffic in prioritized/zero rated premium service tiers will likely have on quality and affordability of basic broadband services via slower/data capped access paths to the open Internet.⁵⁷ Even if the Commission agrees with NCTA/USTelecom members about the “heavy-handed” nature of the ban on paid prioritization in the 2015 *Order*, this does not require reclassifying broadband from a Title II to a Title I service or relaxing the relatively “light-touch” enhanced transparency rules in place to encourage operators to communicate with their aggrieved customers when they fail to deliver their subscribers with “high-speed” access the buyer thought the seller had promised in their retail contract.

66. **Probative value:** Consumer complaint documents provide a unique window into how Americans perceive their access to the Internet and their dependence on “high-speed” connectivity for social and economic participation. Analyzing what consumers were trying to convey in their informal complaints about barriers to their freedom to access the open Internet, as well as carrier responses to these complaints, would have been prudent before the Commission chose to issue the Restoring Internet Freedom NPRM. Releasing the complaint documents in a timely fashion as requested by NHMC starting back in May 2017 could have enabled other parties to review and comment on them and mitigated the failure by the Commission to consider evidence it has in its possession about barriers restricting the freedom of consumers to access the open Internet in assessing if it should reverse the policy framework it adopted less than two years before. However, the Commission chose not to make the body of evidence public to enable this. Substantial portions of the documents NHMC FOIA requests have asked for still remain undisclosed. The resistance by the Commission to the disclosure of the information and the Opposition by NCTA/USTelecom to incorporating it into the record and allowing the parties to comment on the complaint documents that are now public suggests they may have substantive probative value. The preliminary analysis in this paper documents this hypothesis by illustrating

⁵⁷ e.g. universal minimum speed/service quality standards, wholesale access/interconnection obligations that enable product differentiation at the retail level.

that the complaint documents offer evidence that challenges fundamental presumptions underlying the Restoring Internet Freedom NPRM.

67. **Opinion:** To develop a reasonably complete evidentiary record before proceeding with the substantial changes the Commission has proposed to adopt, it would be prudent to release remaining carrier and internal FCC documents. It would also be consistent with basic standards of procedural fairness and evidence-based policymaking to initiate a pleading cycle that allows other parties the opportunity to assess and comment on the large and multifaceted body of consumer complaint documents. In the opinion of this author, the two procedural requests outlined in the NHMC Joint Motion are wholly reasonable and necessary for ensuring that any determinations the Commission makes in this matter withstand judicial review. The body of evidence NHMC FOIA requests have helped (partially) unearth is clearly “directly relevant” for answering questions the Commission has raised in the NPRM and fundamental presumptions underlying its proposal. The body of evidence also has obvious implications for assessing claims raised by NCTA/USTelecom in their concurrent appeal of the 2015 *Open Internet Order* currently under consideration by the Supreme Court.

Appendix: Representative Extracts of Consumer Complaints

(selected based on the occurrence of statistically relevant/emergent concepts from the corpus of informal consumer complaints)

- I keep losing my Internet connection, and when it does have a connection the speeds are erratic, I have called my ISP provider about this problem several times, they sent out a lineman this time, but he told me that he could do nothing on his part, and that the trouble was coming from the transfer box, or office, I also asked him when they were going to replace the copper wiring with Fiber Optics cable, I told him, I was informed a year ago that this was in the works, to which he replied, that it had been, and that money was regulated for such work, but then was pulled for some reason, so now there was no money for the Fiber Optics cable replacement, after his service call my connection started running good for about three days, but now it has started back to being erratic, and having multiple dropped connections, my sister lives a mile up the road from me, and is having the same trouble, and I was informed by one of the ISP support techs that there were many complaints from my area of the same problem, so it's a larger problem than just my connection, I don't like having to report this to the Consumer Complaint Center, but I feel I have been given no choice, after going through their support services, and still facing the same problem.
- Reading their own message boards, the upload issue has been a huge problem across the board since they introduced their 1Gbps service. Instead of verifying this, they continue to blame customer's equipment and wiring, instead of addressing the real problem, that is affecting numerous customers.
- My name is and I am deaf.. so by default I really need Internet at stable for video phone and game (180 download and 25 uploads) now I get 10/10 or 180/2 (random) then I called them Comcast for many times and they send tech over and said it was an issue on their side and told me that it will be fixed in a few days and I still have this issue and I called them and they saying same thing all over again and I am really tired of this .
- It is not our fault Mediacom has failed to upgrade their infrastructure to stay with the times, and instead chooses to chop off our paid service. The fact we can buy more data after we cross the limit with zero negative effect on the company is enough to show how ridiculous these low caps are. I have online classes to take for college that require watching videos and downloading problems and I have been having issues getting to these at times because of the unreliable internet connection.

- Purchase xbox, needs internet access to run, so I try to enable my hotspot, but cricket is blocking me from using app, I try purchasing mobile hotspot but cricket won't allow my purchase to work at all, so I called cricket customer care, and they said I had to purchase hotspot from them in order to share internet with my xbox, so I made the purchase, and I was able to connect, but cricket didn't tell me that my hotspot and enter net speed wouldn't support my xbox console, cricket told me I had to buy a better plan for 60 dollars, so I did, and they gave me 10 GB fast speed internet for my upgrade, they said my xbox would work now, but it didn't, so I called back and they want me to upgrade to a 70 dollar plan, for unlimited fast speed internet, but if I upgrade to 70 dollar plan cricket won't allow me to use hotspot with it. . Another issue is, cricket internet speed doesn't go past 8 mbs, and my xbox requires at least 60 mbs to download games and play, but cricket is worried about Salinger gigabytes, I specifically told all 13 cricket reps what I needed this internet for, and mostly all of them were still trying to sell me gigabyte knowing that it doesn't matter how many I have my xbox isn't going to work because there at 8 mbs.
- You people have the audacity to charge extra for your services when you cannot even consistently provide your customers with the services they are paying for. Your CEO has been filmed saying you guys are practically a monopoly and it causes problems for everyone because you can't give people what they pay for, but they have no choice but to use your services because of the area they live in.
- Been having issues with century link internet despite calling several times about speed dropping considerably and complete disconnection to internet they decided to send a tech out still not solve instead gotten worse they gave new modem that not only didn't solve the speed inconsistencies but would drop wireless signal from phone.
- I have spent countless hours on the phone (sometimes up to 2.5 hours on a single call) “diagnosing” the problem. I have been bounced from department to department, waited on hold for 40 minutes, been told that’s just the way it is, there is nothing Comcast can do, its bad equipment, it’s a bad line, someone in our neighborhood is hacking all the internet, the squirrels are doing it, you need to reset your router every day, it's another department's fault, they know there's an issue in the neighborhood and of course there's no one to escalate to or customer.
- The Telcom industry owns and operates the cable and satellite companies and is using its power to restrict access to content, retain cable/satellite customers, force customers to pay internet service and Cable/satellite costs when only internet service is necessary to access to streaming content to channels such as The Tennis Channel, Bein Sports and many others. This is abuse of power, manipulation of the internet, cable/satellite market and it is an exploitation of the consumer.

- The United States has prided itself since its conception on the freedom of information and expression, the right to privacy and one's own personhood; The elimination of Net Neutrality compromises (on principle, not literally of course, though this country has been known to pass heinous judgment that has at times contradicted the constitution) the First Amendment right to free speech and expression, in that. privatized internet thus higher prices for more/better bandwidth have the potential to considerably limit public access to information and expression in this, the modern technological age where Internet access in the developed world has been deemed a human right.
- Previously the internet service I had through Comcast was advertised as unlimited. They have been trying data caps on a trial basis elsewhere, while in a leaked memo, Comcast employees were instructed to state that the policy is for "Fairness and providing a more flexible policy to our customers" and not for controlling network congestion.
- Then I guess I will file a complaint to the inspector General against you for wasting TAX PAYER MONEY , you were appointed to over see internet service provider and to make sure these provider do not harm the consumer in any way and you are not doing that in this case. I will also be contacting my congress man and bring this up to him and will be giving him access to all of this in my FCC file so he can see how the FCC is not complying with what you are suppose to be doing ,, started out as informal ,, and when I kept giving you proof of how dish is robbing/stealing/not provide the service that we are paying for ,, you the FCC should of taken it to the next level.
- One tech I threw out of my house for being disrespectful and rude when I refused to allow him access personally to my laptop or any other of my own personal equipment. One tech admitted to me that time Warner throttled the service speeds during peak hours of the day only he called it "Peak hour data monitoring and observation for information and usage surge peaks while automatically optimizing the overall utilization of network access in certain areas so as to impose lesser limitations to other locations."
- Data caps exist solely as a consumer control measure to stifle competition and cause users to be biased against applications based on the data amount they use. Data intensive services that would have otherwise been developed will languish as data caps cause consumers to be biased against them.
- I believe this is a tactic by comcast to try and get users into using their on demand service and away from better online video content services (netflix, youtube, hulu, etc.). The core principle of net neutrality is that ISPs should not show favor to content, and by limiting

bandwidth they are basically saying I cannot access the content I would like to without paying exorbitant fees.

- Now that Comcast (unannounced to me when I signed up for their internet service) has started charging me an extra \$10 a month when I exceed my meager 300GB/month data plan I can no longer afford to access content like the lectures that my teachers record and post to youtube/"blackboard" (keep in mind these lectures are long and recorded in HD, additionally I must access them on a daily basis). I believe this crosses a line and essentially blocks my ability to use the internet in ways that I NEED to use it in order to be a successful student.
- Comcast already enjoys very high margins on its broadband services, a near total lack of competition in most areas, and has demonstrated its willingness to abrogate net neutrality rules (BitTorrent blocking, separate IP service flows for non-telephony services like Xbox video and now streaming live TV) in the past and present. This penchant for actively impeding information flow across an information service is exactly reflected in the expansion of usage caps.
- Paragraph 16: "This Order creates a separate rule to guard against degradation targeted at specific uses of a customer's broadband connection: A person engaged in the provision of broadband Internet access service, insofar as such person is so engaged, shall not impair or degrade lawful Internet traffic on the basis of Internet content, application, or service, or use of a non-harmful device, subject to reasonable network management.."
- I filed a complaint against Time Warner Cable problems they blocking or timing out ports, so you could not use server upload speed was not to FCC spec. TWC did not disclose ports that were blocked they had 30 days get me a letter I never got it this start of the new complaint 2) they not disclose ports they were blocking i.e. port 80 is blocked net BIOS port blocked agree net BIOS port should be blocked but needed to be disclosed. 3) DMZ does not work on modem, you lock into ports that they open they did open ports I wanted but all others are blocked out or time out, a) they never mailed me according to FCC laws b) they not disclosed what ports were blocked c) DMZ on modem still won't work DMZ opens all ports to modem by pass port forwarding if I take ports out port forwarding port stops working even if server is in DMZ VPN ports are blocked.
- throttling in violation of 2010 Transparency Rule) and blocking access to tethering applications and services not for a legitimate technical network management purpose but for a business purpose. Please ensure that the unlimited data plan that I've paid \$4,320 for since 2009 (\$30/mo x 12mo x 6 years x 2 phones) can be used at its full capacity and not have tethering applications and the service provided by a tethering app on my phone,

seen as prevented for a business purpose and not network management and thus violate the No Blocking Rule.

- As a mobile network operator, Straighttalk is subject to the Open Internet rules which specifies:
1) No blocking: broadband providers will not be able to block access to legal content, applications, services, or non-harmful devices. 2) Transparency: A person engaged in the provision of broadband Internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop.
- Data caps by their nature are unnecessary and do not lend to an open internet as data, by its very nature, is not a limited resource in this environment. Artificially limiting data usage reduces consumer choice and will ultimately alter the type of data consumed by indirectly blocking or throttling lawful content.
- The fact is, Comcast authenticates more than 90 different programming networks on 18 devices and authenticates HBO Go, in particular, on the HBO website, the iPhone and iPad, Android smartphones and tablets, Kindle Fire, Xbox 360, Apple TV, Samsung smart TV, and Roku devices. Besides this, Comcast provides its customers with authenticated access to HBO and dozens of other programmers on multiple devices through its robust Xfinity Go app, which allows customers to get all their programming in one safe, easy to use, and familiar app.
- This essential and well-accepted principle has long been a tenet of Commission policy, stretching back to its landmark decision in *Carterfone*, which protected a customer's right to connect a telephone to the monopoly telephone network. Thus, this Order adopts a straightforward ban: A person engaged in the provision of broadband Internet access service, insofar as such person is so engaged, shall not block lawful content, applications, services, or non-harmful devices, subject to reasonable network management
- We interpret this prohibition to include, for example, any conduct by a broadband Internet access service provider that impairs, degrades, slows down, or renders effectively unusable particular content, services, applications, or devices, that is not reasonable network management.
- Because getting a fast internet package would cost me even MORE money than I am paying with the bundle, all due to the way comcast bundles their services to force me into

a cable subscription, to keep their advertisers happy. Now with an artificial 300gb data cap, I am paying over \$100 of my money each month to a company that wants to sell me FAST internet speed and then CHARGE me when I use more than the artificially chosen 300gb cap that they are imposing in my area.

- Comcast has come to my home numerous time over the last year and half trying to gain access to my home while all long they were aware Comcast was turning on the bridge mode to interrupt the service allowing access to the home by turning on bridge mode this did not alert the ADT router to sound the alarm. Recently I recorded my internet use ten minute later internet went out ,i called Comcast automated message said problem in my area every time I call Comcast I get the same message Problem in my area once I talk with the Comcast agent they confirm there is no problem in my area .
- I've been having trouble with my internet provider for past few months. called customer service they attempt to fix over phone works for a little while then back to same thing sent tech out last week and checked and was working the last individual talked to advised was only receiving 1mb of my 6mb that I was paying for and from browsing social media it's not only me that's having a issue with the company there is something that needs to be done because this company is charging people.
- AT&T Wireless will likely contact you in an effort to resolve your issue...” “...A response is due to the FCC no later than 30 days from today. AT&T Wireless will respond to you directly by postal mail...” I purchased the iPad2 to use the unlimited data and unlimited internet plan(s) for clear access for the businesses I plan to start up in the future such as the organization name modified as; The Application Cable Television Software Extraordinary Newsprint Diplomacy Security (TACTSENDS), Limited Liability Company (LLC) to place each local newspaper.
- The AT&T team of representatives tried to bully I, Mrs. by calling me at and in the past tried to bully me into share plans but I refuse to change the access to the unlimited plan because our analog phones are used with the stipulation of unlimited shared local and long distance calling feature plans. Please only have the AT&T company write me and solve the problem via seeing the Personal Hotspot icon listed in the setting menu on the left side of the iPad2 highlighted “...Personal Hotspot...” and activate it like all the rest of the devices I have already list the Personal Hotspot icon but is not activated since I increased the cellular data on the ipad2 to 5GB and change the 5GB and/or 250 MB back to the unlimited.
- The petitioner cannot pull up history or posted content as applicable in Facebook, leaving a pertinent question of where has Google been keeping all new innovative ideas

broadcast from us over Google? The petitioner senses that by preventing access and use of other social media without Google play service installed in my computing device, which is not manufacturer's installed mobile operating system (OS), Google arbitrarily engages in monopolistic practices that Robb other IT companies and users like me free choice in using online services, at the same time, tracking user activities and pulling users to its folds.

- Here we go again this is 3ed complant as they refuse to comply to fcc laws I can prove that they are bocking ports and also never got any letters from them or never been told what ports being block as this is 3ed complant in 90 day I think its about time something is done other then just takeing the word of them why wont u alow me prove to u they blocking the ports it is very simple to do u use team viewer I can show u what looks like when port is open then we swich ports if all set same will work but dose not they only open ports I requested but as I paying. Top doller for there service and there only ones I get intenet from I stuck I need them to end and come compliant to fcc laws see past complants I also want to add to this complant twc giving fed goverment information with our warrant or do process, information being given to nsa, now as far as I understand do process is still required to get my information and the user agreement dose not include giving.
- (Since 9/25 I am being allowed initial access to those two websites in general and then allowed to click on the "information for attorneys" tab as usual on the Colorado Judicial home page website but upon clicking upon the tab for "colorado revised statutes", the popup suddenly appears totally preventing my access to the statutes. (I need access to the statutes in my work as I am an attorney.
- - TV service(s) changed unbeknownst to us
 - telephone service only functional at basic level, Caller ID, call blocking, and on set ID non functioning
 - Internet service is only performing at about half the speed it is supposed to be
 - Internet Live TV [streaming] still does not work: starts and then freezes requiring a system reboot; and when it does run it will not work with any other internet application..
 - cutomer service is an oxymoron since there isn't any: endless loop of on-line help, "Live Cha"t is useless, and when you do get someone on the phone they are too busy or incapable of addressing the problem [technically and language]
- Then we'd have to wait a few days to a week before the new month begins and we are able to use the online service again. Alot of the times, although it has somewhat lessened,

my online usage would be blocked, or slowed down, with interferences, when playing timed games, such as board games use, limited minutes per game.

- Pai's failure to move forward on Lifeline has disproportionately harmed Black and Brown people, who are far less likely to have home internet access due to systemic racism that has impacted the broadband market, in which these communities overwhelmingly report that the high cost of service is their primary adoption barrier. That being said, this was the first step of Chairman Pai's plan to gut Net Neutrality, there is still more to go, Chairman Pai needs to leave the current rules of Net Neutrality the way they are, The internet needs to stay open for everyone, we need to bridge the digital divide, we demand that we have more privacy online, hold Chairman Pai accountable for what anything he tries to do to undermine Net Neutrality.
- It appears that these corporations are working in cooperation with (all too curious that this man is the former lover of of Pizzagate fame) of Media Matters under the new NDAA to bring the flow of information from these outlets from what was an open fire hose to a trickle. The few dozen sites that I subscribe to are screaming about being demonetized, personally threatened, having their user stats defrauded, trolled in the comments section by an army of bruts hired by Google and taken out of the public's eye despite their popularity through the adjustment of the company's algorithms.
- This isn't just for videos of course, people who use services like Steam will be hit just as hard especially as the size of games increases, data intensive services that would have otherwise been developed will languish on the vine as data caps cause consumers to be biased against them. Users have little choice in what ISP they must subscribe to.
- Comcast and AT&T are hedging their bets to discourage "cord cutting" (since television does not use data that is capped), and inflate the perceived cost of using entirely internet driven media. Given a 3-5 person household that uses a service like Netflix, watching HD video, it is very easy to go well over the data caps set by Comcast and AT&T, and that doesn't include other services, such as * Updated software (Windows, business grade software, or media editing software that usually several GBs in size)
* Purchasing digital goods (example: purchasing a digital game through a service like Steam requires.
- Data caps are so outrageously against net neutrality that it pains me, being in a tech field and to see how behind the US is in terms of internet connectivity to the rest of the world. How is it ok that Comcast in my area can limit people's accounts out of nowhere, charge the same (which the low income area of Bloomington can barely afford as is), and still not actively work on improving their network?

- Families of five living in a home with heavy Netflix usage will already be pushing this current limit. This isn't just for videos of course, people who use services for work will be hit just as hard especially as the size of applications increases, data intensive services that would have otherwise been developed will languish on the vine as data caps cause consumers to be biased against them.
- For example Netflix which lists high quality HD as using 3 GB per hour and Ultra HD as using 7gb per hour is immediately affected by this. As Ultra HD becomes more common and using 7gb of data for an hour of video streaming becomes common place users affected by data caps will hit their limits more easily causing them to be charged overages.
- Users have little choice in what ISP they must subscribe to: The Internet is no longer a luxury that most can live without.
- Those lucky enough to live in major metropolitan areas may be fortunate enough to have the choice of maybe two or more ISPs but for many users the local ISP is the only choice they have which grants that business a monopoly in their area. In a happier world there would be dozens of ISPs each competing with each other and vying for market share so the poor behavior of one company only provides an opportunity for another to gain more customers.
- Back in 2012, a law was submitted in the Senate that would have restricted ISPs' use of data caps solely to addressing network congestion. The Data Cap Integrity Act came in response to a study from nonprofit group The New America Foundation, which concluded that data caps on broadband usage serve only to bilk customers and stifle online innovation, rather than ensuring that internet data travels the network lines unfettered.
- This will cause users to drop Netflix in favor of less data intensive services which Comcast will only be too happy to provide through cable.
- The Throughput Rate you experience at any time will be affected by a number of factors, including the nature of the Internet and its protocols, our facilities, the bandwidth we devote to carriage of protocol and network information, the condition and configuration of our Equipment or Customer-Owned Equipment at your location, whether you use an in-home wi-fi network (which can significantly limit the Throughput Rate obtained by devices attached to it), our use of Network Management Tools, data volume and congestion on our network and the Internet, the time of day you are using the HSD

Service, the performance of the website servers you try to access, and the priority we give to our business subscribers' data traffic and specialized services we deliver using our Equipment as described in our Network Management Disclosures.

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- Around the hours of 4pm-12am my internet speeds are slow as 10% of what i pay for. and the rest of the time its what its suppose to be on the down load side but never what its suppose oto be on the upload side they wont do anything about it just says its fixed but it never is please if you could help get it fix id appreciate it before i moved to this location they promised me 40/4 40 down 4 up and I made sure i knew what i was getting because i work from home and i wouldnt have moved.
- Poor internet connection and overbilling. False advertisement, there is no cooper wiring in my area and the hub is too far from my address (so what service am I really receiving).
- I've explained my issues countless times to a number of employees with yesterday being my latest issue. I spent one hour and thirty minutes plus on the phone with Comcast executives gave them all of my information more than once, reached "the top" of customer service with Dean (734-369-3785) for him to argue with me about getting notice of a data cap, and to tell me that not getting full speed is normal if playing I'm playing a game and have a browser open at the same time.
- In an attempt to try and lower. our monthly costs for cable/internet bundling (\$200/mo), we were denied the same "boost" or high speed "internet only" service unless we pay exorbitant prices for X1 platform.
- I've asked and I've begged and I've cried and and thrown up from spending an average of 16 hours a month on the phone trying to get them to fix things, billing is insanely messed up, speeds are messed up. Comcast is using people and spending their lives to do repairs, billing hassles created by careless uneducated call center employees.

- The specific issue is that the Node for my network area assumes that it is at capacity during not Peak hours and starts dumping clients and minimizing Client connections to the network to control what the system believes is massive traffic on peak hours. I live in a town of 5000 people, on the outskirts of it.
- I keep losing my Internet connection, and when .it does have a connection the speeds are erratic, I have called my ISP provider about this problem several times, they sent out a lineman this time, but he told me that he could do nothing on his part, and that the trouble was coming from the transfer box, or office, I also asked him when they were going to replace the copper wiring with Fiber Optics cable, I told him, I was informed a year ago that this was in the works, to which he replied, that it had been, and that money was regulated for such work, but then was pull for some reason, so now there was no money for the Fiber Optics cable replacement, after his service call my connection started running good for about three days, but now It has started back to being erratic, and having multiple dropped connections, my sister lives a mile up the road .from me, and is having the same trouble, and I was informed by one of the ISP support techs that there was many complains from my area of the same problem, so it a larger problem than just my connection, I don't like having to report this to the Consumer Complaint Center, but I feel I have been given no choice, after going through their support services, and still facing the same problem.
- I am a paying customer paying for 300 down and 20 up service i had a problem for weeks. now i had 4 technicians plus 2 supervisors here i called dozens of times and nothing is getting done i switched out 3 modems 2 where provided and 1 was customer owned that is on the list of modems approved to work with spectrum and TimeWarner and charter which are the same company (I will put an attachment at the bottom proving this)I have the (Arris SB6183).
- Internet service in cater county ky needs to be fixed or we need. other options in the rural community over 200 to 300 customers only have a option of windstream and nothing else the service stinks, my husband is employed by windstream and he has tested ours and everything on our end is fine and he also said the cable pairs back to hub are clean, but we are paying way too much for the service we receive you could do a survey in carter county ky and all your windstream.
- Hughes net is deliberately slowing my speed so much that it takes almost 10. minutes for a page to load, i still have have data remaining that i can use its called bonus bytes and i have 49.5 available i have paid for the internet for this month by check i am geting ready to terminate my contract with this provider i have paid each month and each month they have slowed my speed to some degree

- Again, for another night for more weeks, since February., my internet is down. I have had multiple techs in my house, multiple techs outside my house, multiple attempts at fixing the lines, multiple attempts at getting this fixed and every time within days of "Fixing" the issue, Comcast again fails to provide the internet service not only that I pay for, but less than that of what is considered even "High Speed Internet".
- Each time I ask what happened to the money the US Government gave to smaller telecommunications companies to bring better Internet service to rule areas, I am disregarded and the question never answered. Please help! We are paying about \$75.00 per month for very very poor speed & service and TDS's lack of effort to make improvements, but continued effort to scalp their coustomers of more money is fraudulent .
- One of their own techs told us that the issue comes from Suddenlink's nodes and another tech told us that the nodes are saturated, that too many people are using the same nodes and they do not have enough capacity citywide and that that's the reason the internet slows down. That same tech said Suddenlink was working on splitting the nodes "in the next couple of weeks" but that was months ago.
- from what I was told pioneer is a coop and no other business can come in. and compete we are paying \$80 dollars a month for internet speeds of 8mbps and really only getting 5mbps and pioneer says that that is within limits.
- For 5 years I have had continuous problems with internet speed which have never fully been resolved, and only seem to be getting worse. The provider leases the fiber optic cable from the local power company, French Broad Electric Coop, which feeds to several towers around Western North Carolina, which then broadcast a signal to individual modems.
- I pay a monthly fee for repair calls, I have had numerous people to my house to try and fix. Still nothing is done. I pay for the highest speed package available just to get a tiny amount of speed - and very inconsistent service so I am continually dropping calls (phone is set up through same line for 911) as well as broken work and increased data on my cell plan.
- Browser Popup – consumers receive a popup notification that is driven by DNS (see enclosed Exhibit A). This assumes that the consumer users a supported web browser (or surfs the internet at all) and that they are using Comcast DNS services.

- Comcast markets their internet plans on download speed, based on Mbps “Megabits per second”, which is a measurement of pipe capacity, or throughput (see enclosed Exhibit B). Based on my current Blast Internet package that offers speeds up to 75Mbps, I would exceed my newly appointed 1TB limit in just 4 hours.
- This is a follow-up to your previous request #1417309 "Re: [FCC Complaints] Re: Re: Re: Re: Re: Re: Re: Slow Speeds"
This is a follow-up to your previous request #1391601 "Re: Re: Re: Re: Re: Re: Re:..." you the FCC should of taken it to the next level and. you did not and I have asked numerous of times to have the top manger call me about all of this ,, and once again , you did not comply , my taxes pay you , if it wasn't for me and people like me ,, you would not have a job , but yet all you do is shit on the tax payer
I still want the top manger to call me , and you will be hearing from the IG office and my congress mans office Thank you for nothing ,, a job not.
- Comcast Cable Communications, LLC and other captains of the Cable TV industry continue to violate the letter and spirit of a multitude business and contractual laws and statutes throughout the City of Pompano Beach, Broward County, the State of Florida and/or the Nation. Please coordinate, collaborate and cooperate on Federal, State and/or local jurisdictional levels in addressing these concerns potentially impacting adversely the public's telecommunications, finances, policies, trust, confidence, and quality of life issues.
- I was told after they looked over my account on 2/4/17 that we couldn't even get service of 3 mbps in our area and after arguing she stated she would have them look over the service and someone would call me in 48 hours. After not receiving a call on 2/8/17 I called again and spoke to a gentlemen who stated that when I cancelled my home phone service the CSR dropped us from Broadband Max which is 6 mbps to Broadband Lite and I was paying 46.99 a month and for an additional \$5 a month I could be receiving 12 mbps but a service man would have to come to the house and do something outside of our home and he would come on 2/16/17.
- High speeds advertised misrepresented as confirmed by Comcast failing to provide resolution despite 20+ hours customer time over 2 years, multiple modem tests, clean signal, new construction. with new lines etc, achieve max 3.6 download max, 1.2 upload current w/ provider modem, customer modem, payment of private tech after Comcast reps failed to resolve.
- was said that they (the technicians and their supervisors) had tried to get those in charge to provide more bandwidth to the Madison County area (which would feed our LDP)

because the problem is endemic.

- Many reasons for this approach not being applied were told, some technical but all identifying a general lack of desire to spend the money needed to approach the general spirit of the terms of their contracts with the people of Keel Mountain and, indeed, Madison County and probably Alabama, although I'm not conversant with that bigger picture.
- Date Time Speed
2/10/2017 11:15AM 15Mbps
2/10/2017 7:38pm 23Mbps
2/11/2017 7:29am 32Mbps
2/12/2017 7:55am 121Mbps
2/12/2017 9:30am 168Mbps
2/12/2017 11:10am 102Mbps
2/14/2017 9:23am 21Mbps
2/14/2017 12:00pm 22Mbps
2/16/2017 7:53am 26.62 Mbps
2/16/2017 11:12am 21.53 Mbps
2/16/2017 1:40pm 25.52 Mbps
2/16/2017 2:30pm 21.72 Mbps
2/16/2017 4:27pm 24.66 Mbps
2/17/2017 7:31am 26.58 Mbps
2/17/2017 2:01pm 21.92 Mbps
2/17/2017 3:24pm 24.65 Mbps
2/17/2017 10:22pm 26.62 Mbps
2/18/2017 3:54pm 23.81 Mbps
2/19/2017 9:55pm 173.15 Mbps
2/20/2017 7:12am 122.59 Mbps
2/20/2017 9:59am 167.53 Mbps
2/21/2017 8:09am 52.87 Mbps
2/21/2017 9:51pm 165.69 Mbps
2/22/2017 8:14am 36.94 Mbps
2/24/2017 7:09am 166.88 Mbps
2/28/2017 9:11am 22.71 Mbps
3/1/2017 7:44am 25.99 Mbps
3/2/2017 8:04am 28.30 Mbps
3/5/2017 8:38am 127.33 Mbps
3/5/2017 10:05pm 22.82 Mbps
3/8/2017 11:24am 16.03 Mbps

3/8/2017 10:24pm 26.62 Mbps

3/9/2017 8:15am 18.53 Mbps

- Because of this I went back to sprint store and found out that everyone in the stores phone has the same network issues as me and they work for sprint. I called sprint to see if a booster would help and was informed that the booster is only for home use and they I would have to deal with the speed or break my phone lease and pay the fees associated to that before being allowed to join a different provider which flies in the face of thier claims of contract free service.
- We have been a long standing customer of Comcast (mainly because. they are the ONLY high speed internet provider in our area), we pay for 150mbps speed on our internet connection, however after many complaints, technician visits, and so-called "repairs done" our internet speeds have never gone higher than 90mbps (and thats pushing it) and once again our speed has dropped down to 70mbps and frankly we're just sick and tired of dealing with Comcast's stalling techniques.
- They came back and told me TDS had threatened to sue their pants off if they invaded their turf and would not be able to bring us service. This company is crooked you can find any number of rural communities around the nation that they bought out small local phone companies (some even co-op that the people built) and put internet on 75 year old busted lines.
- They say they can now offer dsl bonded lines by bonding 2 dsl lines together to increase speed but if the local device is completely full with no lines to spare which is what I've been told by several people I've spoken to at CenturyLink, there would be no extra lines to bond to, but they sure will charge for the service, they love to overcharge and price gouge us because they are the only landline service provider. in my area of Longville, LA.
- After doing my due diligence with this company I was assured there would be no service interruption so with this information my wife and I decided to proceed with the purchase of our current residence. To explain I am currently self employed and work from home as well as a current software engineering student so the internet is used for more than streaming television or playing games it is the way I feed my family therefore a necessity to have working internet with the best speeds available to us rural Americans.
- <http://results.speedtest.xfinity.com/result/1510196744.png>
Paying for 75/10 mbps getting 1.5-10 test esults manipulated and after 3pm internet is unusable this has been the case for more than 90 days the bill (115\$ a month) is paid

EVERY MONTH ON TIME yet multiple communications have yielded NO results other than being charged for customer service and advised they will send a tech at my expense, this is the second time ive had to make a complaint against them in order to hopefully get a response. and hopefully a positive result this company has monopolized the service in my area and no other suitable provider is available, we were also notified that our speed was increased as courtesy but strangely so was the cost.

- A little research yields that thousands across the nation are having the same problems the equipment has been replaced multiple times and ALL hardware as well as the drop were replaced and seem to be in good order test results show no line trouble and no equipment trouble but only 1- 2 hours 0600-0800 usually the service is usable, our income is net based so is comcasts payment system so if they dont .provide us the service we paid for they dont get paid , i will be requesting at minimum restoration of proper service and refund of not less than 30 days of payment, i would further advise that since comcast has been previously contacted by the FCC and has since then returned to their "throttling" practices and lack of interest in customer support and contractual obligation they be FINED by FCC this is.
- Internet speeds are very slow no where near the 200mbps connection .i am suppose to have they are advertising 200 mbps speeds i am getting 20mbps download very slow speeds the cable company came to my house three times to fix the issue and they couldnt fix it they told me the main server is to slow to provide me the 200 mbps speeds which i am paying for
- I am only receiving 200mbps service at best and many times my internet service get so slow that netflix is left buffering, even with only one internet stream and over a physical lan line. I have tested speeds on multiple websites on multiple computers both using LAN and WIFI at numerous times during the day and my speeds are always nearly 100 mbps slower than what I am paying for or even as much as 200mbps slower.
- Despite the phone showing a strong LTE connection, my data speeds were in the range of a 128Kbps connection, that is well below 1Mbps and well below the advertised speeds of "LTE". I also noticed that the speeds were universally slow, no matter the day of the week, time of day, or device (I have since tried 3 separate T-mobile compatible phones with Band 4 and 12 LTE support).
- Since signing up for services with them I have never gotten their advertised speeds, I have never tested above 4-5mbps and pay for 15. I have dealt with frequent disconnects from their network where our modem has no connection, "updates" that render us without internet for days at a time, and at one point we were disconnected from the network and

according to the technician that was sent to our home after several days with no service it was an issue "on their end" that they fixed by calling in which is what I had done to start the process.

- I posted a thread on their facebook with a picture of an internet speed test showing the slow download, non-existent upload, but a miraculously fast PING. It was pointed out by one of my friends who is a network technician that this is a symptom of a bad drop line to our entire town, but Consolidated did not respond to my post until several days later.
- Broadstar has (1) technician for all of Georgia and can take up to 2 weeks before they are able to provide support. After several months of bimonthly (2x a month) visits from their local tech, Nick, I developed a professional relationship with Nick and he has informed me on several occasions that Broadstar's corporate office is well aware of the faulty wiring at the property but does not plan on making any corrections (the local tech's exact words were, " they are too cheap to do anything about it").
- I would like the FcC to be more proactive and help rural customers like myself get access to good internet access and push companies that receive government subsidies to actually use that to improve rural access to the Internet instead of promising high speed internet at expensive prices only to receive non working service. By comparison urban telcos such as Verizon charge \$50-75/mth for 100mpbs of internet service, versus \$50/Mth that rural telcos charge for 6mbps which turns out to be 0.
- As of June 18th, 2014, following several months of negotiation and forward business strategy, AirNorth Communications, Inc. officially acquired the customers and assets of MI Lakes Wireless, LLC. AirNorth applied for FCC Broadband Experiment Rural grants and were a provisional winner in the approximate amount of 2.4 million dollars. At the end of October 2014 AirNorth announced that the previous founders of MiLakes had left the company. Starting in approximately February of 2015 AirNorth was plagued with severe service reliability issues, outages sometimes lasting for days, partially due to knowledge deficit of their network, not having the previous owners knowledge and ability to add new customers properly to the network and to maintain the network infrastructure.
- We strive to provision the line up to the maximum speed required to support the qualified and subscribed Service, but actual speed and performance may vary based on factors such as the condition of wiring inside a specific location; customer proximity to equipment supporting the service; computer configuration; network or Internet congestion, particularly during peak hours very generally defined as 7p..m. –11p.m. weeknights (peak

hours may vary depending on the customer location); and the server speed of the websites accessed.

- I would like the FCC to reconsider opening my complaint now that customer signatures have been obtained showing that there is nearly 100% of AirNorth customers in our particular area who are experiencing internet problems with this ISP. In my case with previously provided actual speed tests they should be capable to providing much more than only about 1/3 of the advertised speed during peak times.
- I used Comcast's customers service to make a complaint that I was not getting the advertised speeds and their sales rep told me they escalated my issue with reference number # I received a voicemail yesterday (attached) which informed me that my plan is only for performance 25mb internet and that they upgraded me as a one time offer, however I am still not getting the speeds as advertised. on their website.
- I feel as though Comcast has changed something and is no longer providing me with what I am paying for - 1MB/second is 67% slower than the 3MB per second speed they advertise for my plan. Due to the abrupt nature in the change of experience, and the fact it never occurred prior, I am guessing this is driven by a change Comcast made to my local hub or traffic management processes in my area, but this is pure speculation.
- I am very unhappy with Time Warner Cable in New York City. Notably because:
 - * They are the only broadband provider in the area
 - * They charge me modem rental fee which increases annually while the service is noticeably under advertised speeds during most hours
 - * Monthly fee increases several times a year as well as service declines
 - * Sometimes it runs so slowly that it is unusable for basic internet tasks being unusable at times.
- However immediately after WOW bought Broadstripe I noticed a significant drop in speed, stability and reliability I am talking over night, it was like they just threw a switch and I couldn't get reasonable internet anymore 3Mbps and pings in the 300-1000ms with up to 75% loss rate sometimes the cable would have to be restarted 5 times a night because the modem could not keep a connection with the isp dns , After calling them they informed me that I could no longer have 25Mbps because they no longer offered that plan, keep in mind that no notification or legal documents were ever sent informing us of the change. With no other option we accented to a technician to look over the house wiring because they insisted that the problem was on my end. They sent out a tech and he fiddled with the modem and the wiring in the house and declared that there was nothing

wrong with the wiring or modem/router rented from the company and left. We continued to have trouble over the better part of a year, over about 10 service calls they replaced all the cable in my house replaced the modem several times and ran a new line out to the cable box outside.

- I am currently paying \$ 83.90 per month for 1.5 Mbps download and 0.256 Mbps upload with phone service and I am receiving only 1.0 Mbps download and 0.125 Mbps upload on average with speeds less than that during peak usage in my area. At times the internet speed is dialup speed or stops and devices cannot connect to internet sites or services.
- However CenturyLink provided only low speed (9 Mbps download fastest timed with just ONE device on the line at the time this speed was observed)—significantly overbilling for services. After many contacts to CenturyLink regarding low speeds, they sent a repairman who, after internal testing of house equipment found nothing wrong with home equipment, stating that the issue was external equipment towards Duck Lake Trail, and that the infrastructure is not in place for high speed internet; issues with internet could not be fixed because they didn't have infrastructure to provide service in first.
- However, they don't actually provide reliable internet service. I've called dozens of times in the last three months about my speed issues (download speed is less than a tenth of the advertised speed) and constant disconnects (the internet drops connection for ~30 s every 5 min or so, making streaming, gaming, and general internet use nigh impossible) and ICS has blamed all of the following: my modem, my router, my cables, my building's cables, and outside equipment.
- Optimum is the only one company who provides the internet service to .my block ,The Customer service is very lousy There is basically no technical support when you call they give you run around I am paying almost \$70 for lousy internet ,When i am watching movie thru internet It always interrupts ,it takes long time to download the video,I have a feeling if you do not get optimum tv they are slowing down video streaming,one of my computer was not able to connect internet They. refuse to provide service
- I have internet with Claro in Puerto Rico and i paid for 10mb and the. issue is that i have inconsistent speed of internet for example in some hours of the day i receive 8mb but in the majority of the hours I receive 2mb or less the problem is i tried to resolve the issue with them calling but after 4 months trying i just decided to fill a claim with your entity because they always do something via phone and works about a week or two but after that i still having the same.

- They continue to be insensitive to her unique communication needs due to her deafness and her needs to be able to use the VRS facility at her residence. During the courses of trying to work out with her Broadband access, often out of her pocket, she had to replace her Modems and the latest was 4 months ago.
- service with them today only to find out that Verizon had sold this area control to Frontier and frontier is far more ridiculous charging \$50 a month for speeds at 7mbps or less which is ridiculously slow when Verizon was offering over 300mbps this is extremely upsetting and I'm very angry with how things aren't this way I can't even get proper fast internet in my home and other provider besides those two isn't much faster. either charter being the next fastest behind Comcast at 60mbps while Comcast offers up to 150mbps but is completely inconsistent and I'm also pretty sure that Comcast is beginning to put data caps on their plans which I also find completely ridiculous there should not be any limits on an unlimited resource like the internet I hope you look at my complaint and really take the time to look into this issue .
- Comcast Business has a responsibility to provide my business with functioning internet as they are the only broadband provider in our location. My company loses more and more revenue every time we have to cancel a deposition or video conference due to Comcast not functioning properly, and the least they could do is take me seriously as a customer and resolve the issue rather than failing to fix it and deflecting blame on other departments.
- the internet and tv commands have been extremely sluggish and I am not able to enjoy my services as I should as I am paying for them. the on demand features, guide and dvr will not be responsive to my commands or the internet will have 0 upload speed or sluggish download and cause it to stop browsing at various times during the day.
- Which is why I called to ask whether or not the woman knew if MIcom was planning on implementing boosters to improve their internet speeds; because I've called many times before about not having a stable connection or stable speeds and the problem is never fixed for long. No other internet provider will install internet at my home because they say MIcom owns the contracts for this area which I would think means MIcom has a responsibility to at least try to improve their internet speeds and if not at the very least explain why not when asked.
- Literally only one person in our 4 person household can be on the internet at a time, we have 3 college students and run 2 business from this home so I'm sure you can see how disastrous this is for us. The straw that broke the camels back for me was that

last night I was trying to download a 28gb file with the only device connected to the internet in the household and I was given a 47 hour estimate on download, I was watching it download and averaging about 0.5 MB/S.

- As you can see, the bill went up \$76 from last month, yet the only change was when AT&T slowed my speed down to dial-up, at which time I could not even open e-mail, load the AT&T speed test page, or go online with my healthcare providers, which puts my health in jeopardy, and because Andrea Nyante put something in the computer ordering the tech dept not to speed up my hotspot, that I'm a "frequent caller," and as such, they are not to issue me one cent of credit without her approval (who died and made her God), and that they're to force me to buy more data, which I was told would be only \$11 increase from 16 to 25GB.
- I have been communicating with Grande Communications since Saturday (2/11/17) to resolve my issue with my internet connection dropping due to "noise" I work from home and the platform requires me to maintain a certain speed at all times. When I signed up with Grande I was very clear in asking if they would be able to provide me with upload speed to 300 Mbps and 20 download speed at all times.
- for the past several months my voice/phone service has not worked as its suppose. to Comcast is telling me that my new computer's ethernet card doesn't work properly with their modems had a tech come out yesterday found things that previous techs should have caught (part of the reason I'm having internet issues) but today I was told that I probably had viruses on my computer, then I checked with store and company who just serviced my computer, there were no viruses, everyone was pointing to the new modem.
- leave it alone, then I say AT&T having a special for 50.00 for internet and cable, I called them and they were able to come the following week and install services, for me, the tech said that I didn't have any signal coming in, he was at my home over 7 hours trying to bring, the signal up, and working in my home, finally was able to be done, now, I disco service with Comcast feb 18, I have been trying to call Comcast to disconnect my service and turn in my box, its. being one big run around, I verify the acct, they said because I don't have the acct # it isn't fully verified, said I have to cb to verify, cb, with acct # they transfer me from one agent to another, or just keep transferring me until I get disco, at this point, I am just fed up, I cannot stay on the phone all day, dealing with Comcast issues, I need to work, please whatever you can do, I would really appreciate.
- The Uverse service is a con, the cable quality is pixely, the Internet is slow and 82% of the time just. plainly doesn't work which makes the phone service not work.

- We do homeschooling and run a modest business from our home. The internet is essential for us but it has been unreliable almost every single day and, according to Comcast's elite technician, it will remain so for an extended amount of time as there is construction required and Comcast's protocol for this process requires several months, "perhaps more than one year"(more on this later).
- The technician assigned to this call, who had previously been here and was the only one to put in a request for a Maintenance Crew (unlike several other techs who made the same promise but never materialized) told me that he "will not come to (our) property since the repair made was inadequate and the signal was still very low." He then told me that the issue had been turned over to the Construction Department and, as previously mentioned, that it could take a long time to resolve because it required internal approval, engineering, permitting, etc.
- After contacting various technical assistants at Verizon about wireless. internet service that suddenly became slow and unresponsive since late August 2016, and going through several attempts to fix the matter, Verizon informed me that I was in a marginal area and my signal could not be improved at this time.
- I am not able to take advantage of my companies work from home option or pursue a college degree online because we cannot count on even minimal service availability. I have tried to contact frontier via internet but their system will not recognize my account number or the phone number they provided me for my home service.
- When speaking with Frontier customer service I was told that there are too many users on our network and they cannot tell me when it will be upgraded, yet I pay \$29.99 each month for high-speed internet. This has been going on now for more than a year and I (and my neighbors here in our mountain community) would like to know when we can expect improvements or our money refunded for failure of this company to provide the services as stated in their literature.
- The customer service agent told me that I should be getting 3 Mbps so how about I pay them \$10 a month for one third of the service they are providing. I can barely use Facebook, I have a home-based business with a website and I need the internet, and I cannot download movies or programs from my satellite TV provider because of this poor download speed.
- I can verify those connections at the time my 1Gbit fiber is going slow, CAN receive that speed via a work or different ISP's connection Each time I call up, i am told i will be

charged a service fee if someone comes out to "TEST" the connection. My connection between my home to maxxsouth is near perfect.

- Stated he was tier 2 and tried the same troubleshooting as previous with no solution other than suggesting that I swap out my modem.
- Insisted that my internet speeds were determined by a bad boot file in my modem and persuaded me to have her send a tech to my home with their modem/router.
- In June we signed up for satellite internet service through Hughesnet at our new home, then weren't able to move into our home until September. When we finally tried to use our internet, nothing worked as advertised: connection slow, couldn't watch streaming movie, monthly data allowance disappeared in a few days, spent endless hours talking to tech support on the phone.
- They've called in over 50-60 times, reset the modem over 100 hundred times (on the phone with the techs) had technicians out to the house. Each time they've explained that they have had weak internet signal, cannot use the Smart TV apps installed, on demand or dvr shows keep pausing for buffering and now a new Roku player totally won't work because of slow speed.
- to government agencies and they sent a new router but failed to turn that router on for 2 weeks all of this time charging me 80 dollars a month for internet that is always 30% of advertised speed and did not work at all for 5 weeks and were very poor in customer service and repair of issues. They are currently the only choice in my area even though Charter offers a cable line less than a half a mile away from my residence.
- We were told that the "station" is 3 miles from our home and since people are online who live closer, the signal is weakened by the time it reaches us. If Frontier wishes to become an internet provider and claim to provide high speed, they should be forced to upgrade their infrastructure to accommodate ALL of the customers on the network.
- Today 12/14/16 they finally connected the internet service after countless hours wasted calling customer service every day and now they tell me im only getting 10mb so i told them that i did not want the service any more because i need the same speed I use to have and they want me to pay 150 dollar to cancel the contract even after i explained to them what the first guy told me when i first called to ask for the transfer.
- Finally, our phone lines still do not work; we have been without fax since March 2016 and we do not have the alarm system we pay ADT/Tyco for service because the lines for

the burglar and fire alarms have not worked since March. Again we have made numerous calls to CenturyLink and they send out a residential not business repair person who is not able to fix the problem and promises someone else will come back.

- I have been sold speeds packages at 3mbps 6mbps and 12 Mbps and never have my speeds been close to these numbers during the hours in which I am home to use the Internet. My ISP is so terrible that I risked losing my unlimited data plan for my by tethering just to be able to do my graduate work.
- From July when I Signed up with frontier because I have no other service provider in my area I have had nothing but a headache with their customer service, internet service, billing etc. When I signed up for the service I was told I would be getting the internet for \$19.99 a month and a free phone line and I would receive a \$200 amazon gift card after three months of paying my bill.
- I once tried to start a chat at the beginning of the workday, and had not been connected to a customer service agent 8-hours later. The same goes for their call-in lines, where I've waited on hold for 2-hours before abandoning my plight.
- I currently have Phone/Internet/Cable I had 3 technicians here idk how much times i used the chat cause it was a lot i tried their leased modem still had a lot of ping tried 3 different modems models: Zoom 5341J, Surfboard Arris/Motorola SB6121 and the most popular Arris/Motorola SB6183 i have two routers an ASUS AC1900 and a netgear i tried using an Advanced Residential Amplifier and still no results. Im tired of them saying they are upgrading speeds when they where supposed o do that last September I pay for 50down and 5up before i had 62 and 6 good signals now im getting like 35 down 3 up or 53 down and 9987kbps up or 53 down and 1 up.
- He raised his voice with me and I just simply said the same thing again and he said just because the service didn't meet our needs does not mean you don't have to pay the cancelation fee of 545.00 I then gave my husband the phone and he paid the money but said he will be filing a complaint. We feel we have only had our internet and home phone (landline) with them since September we feel we should be refunded the entire \$ 545.00 that it took them only 2 days to take out of our account but took me 8 hours on the phone to resolve.
- This creates a pathway to unfair competition in the market by offering services for nearly free or pay an additional fee and subscribe to a third party service like Netflix, Baby's First TV, or the likes. The basis for this complaint is that AT&T is de facto violating the network neutrality requirements by creating a secondary path for their highly subsidized,

noncompetitively priced services AND leveraging a \$30 penalty for using a competitor's product.

- Watching 4k content will eat up all the cap in a single 24hr period, think about that, your entire month, used up in one day with your kids watching cartoons. I understand the caps are there for abusers, people using TBs of information a month, but the ridiculously low caps stifles advancement and punishes the non abusing consumers.
- 46 Mbps down an 5 Mbps up seriously seince when is your upload speed faster than your down load speed they have ripped us off an they need to be looked into I can't even do my school work an it's Plato learning it doesn't require that much this service is trash an now we are stuck with this service for one more year It is completly stupid that there is a limit on data in the USA in the year 2015 it's pushing us back an it's not. fare to people how live in rural area an don't get me started on their ping but I understand that can't be helped by the data has to travel from the satellite in space to my ground unit AT&T isn't offered out here an neither is cable but there is a company called fastnet wireless that uses pin point location to supply you with Internet from towers they have installed near by there speeds are from 1Mbps to 8Mbps an it's unlimited.
- Once again the government who by all rights should be leading the understanding and use of this technology stand by the sideline and allows companies like Comcast and Verizon to steamroll their customers because they are losing revenues from the cable side and they think they need to make it up on the internet site it is truly an unbelievable lack of oversight and your inability to truly move to a consumer-based approach. where net neutrality does not work you take away the power from the people and you give it to the corporation's no wonder there are so many individuals that are so sick and tired of the overall lack of response from the oversight that the government wants to provide to the people but instead supports the ongoing and relentless use of the corporations power instead of those of the people see if you can address this.
- In an age where everything relies heavily on the web, these caps should not be allowed as they thwart the freedom to connect with the world. Im not a cord cutter, but the simple fact of having my phones, tvs, home theater system, thermostat and other home automation devices relying on my internet, having to pay more for the privilege of using a service I'm already paying a lot of money for is unfair.
- If I watch TV shows online via Netflix I am often charged for data use overages, despite having no other choice, which is an anti-competitive strategy that is employed by Comcast to mitigate their loss TV-subscriber losses due to Netflix and online TV-streamers. It took several months to get my online access working and I was repeatedly

lied to about the arrival time of the cable tech visit dates and times by telephone customer support representatives who are located outside the US.

- This system inherently limits the potential of the internet by limiting what one can do with their home connection. As media, gaming, scientific pursuits, and future endeavors grow in potential file sizes, the continuing progress of society will be limited by having home internet usage limited in this way.
- So when we finally got everything installed and working we found that the speeds are only standard and enough to do small tasks, but after a few days the speeds were slowed to a crawl (about 1-2kbps) so when we called the company about it they told us that we had used all of our 10gb of data and now we weren't on the priority speeds. (which aren't even fast) we then had to explain to them that we were told that we had 60gb of data, to which they replied "you have 10gb on a normal basis but during the times of 2am to 8am we have 50gb and standard speeds" after that we had to explain that the 2-8am speeds were never conveyed to us by the spokesperson.
- Since my ticket was close There have been 4 tech at my home with different story two said it my wiring two said it my cable boxes Idont know if they are reporting my problem to comcast but enough is enough itslike they don't believe me they keep sending signal to my box telling me to unplug it and when I do it work but why do I have to keep unplugging my box for it to work I paid my bill every month why should. I be still having this problem should I been calling a lawyer to get this solve please help me comcast is the only cable company that I can use because I don't owe the house I can't get directv because the owner don't want the dish on her house again please help me I'm tried of fighting comcast I'm 62 and they are taking my money but not doing their job having This is the second complaint I'm filing
- The leasing office has admitted that if a resident uses too much data (a conveniently unspecified amount), they are throttled for an indefinite time. if a resident accesses content that is deemed "inappropriate" (an example that comes to mind is trying to download a legitimate copy of a game, Grand theft auto, from a legitimate source (steam/ valve games)), they would be blocked from accessing the internet (effectively a new router would need to be installed, or the MAC address of the router would need to be changed to restore access).
- English so I had to call again and again until I got someone from Miami, he also said that the account is closed and I must to pay the balance (which I did provide my card number to charge the balance) then he said that they will need to open a new account and that will take 4-7 days from Wed, this is ridicules and against the law, this company need to be

closed for business and a disgrace to this amazing country, companies as theirs making this amazing country's name very bad, this country doesn't need a disgusting company in our country, the people who work there are unprofessional and very rude over the phone, the whole holiday we didn't have internet, after I spoke with the last person from Miami, once I hung up the internet started working for 45 minutes then got disconnected, I am suing this company for \$10,000, I want.

- I'd like to object to Mr. Pai's efforts to stop nine companies from providing discounted high-speed internet service to low-income individuals, withdrawing of an effort to keep prison phone rates down, and he scrapping of a proposal to break open the cable box market.
- The purpose of Title II classification was to ensure internet service providers competed by Quality of Service value to customers who pay for connectivity. Instead, Chairman Pai is regressing competition, abandoning privacy guarantees by allowing network service providers to snoop freely on internet traffic, and double-taxing end-users who have to pay twice for improved quality of service and the content service providers who now will charge more for connectivity fast lanes.
- Now they want to take away a free and open internet, which they're planning on getting more money out of packaging plans to force customers to buy to even access certain websites (depending on the packaging), slowing down the speed of websites, and blocking websites to eliminate any type of competition they see fit and make us unable to access the information that we the consumers need. Even big mainstream media (CNN, Fox News, MSNBC, etc.)
- Hello I have time warner cable I first got there maxx speeds back in August. I believe, when I first got my maxx speeds they were working but then it stopped working and I was getting my usual speeds like 30 Mbps download and 5 Mbps up I was suppose to be getting like 200 Mbps Download and 20 Mbps up. I had so many technicians come to my home and try to fix it but still nothing I had probably about 10 technicians come over even a high technician come to my home but still no solution, I tried to get the 300 Mbps download and 50 upload but still having the same problem, so I called for Twc technician and he said it was my cable poles it had a weak signal and he said he was going to schedule an appointment.
- As a heavy data user, I will be even more disproportionately affected by this abuse than the already disadvantaged customers within this market space. No reasonable alternative exists for the service, but reasonable internet access has become an absolute necessity for

modern life's functions, including finances, communication, and work/work-related activities.

- In any thread regarding complaints against Comcast or any ISP for that matter the main complaint of users is that they have no choice in their ISP ("Save us Google Fiber!"). Those lucky enough to live in major metropolitan areas may be fortunate enough to have the choice of maybe two or more ISPs but for many users the local ISP is the only choice they have which grants that business a monopoly in their area.
- Allowing ISPs like Comcast (to whom I am currently subscribed) to cap the data usage of their customers is inherently biased against online media streaming and is done to maintain the status quo of cable dominance, thereby stifling innovation in online media.
- Comcast has recently rolled out a 1TB monthly data usage cap in my area. My issues with this:
 - * Comcast's usage data and collection methodology is not transparent, and I have no way to independently verify their usage metrics
 - * This cap disproportionately targets streaming services, which compete directly with Comcast's cable offerings (making the cap anti-competitive)
 - * Emergent technology (4k streaming, VR, etc.)
- That being said, Comcast can affectively leverage this to make more money and eventually continue to compete as a cable TV company by limiting your access to streaming TV and Movies online from companies such as Netflix and Amazon. Furthermore, it is my right to download however much I please utilizing my connection, and no third party should have reason to restrict one's usage especially when bandwidth congestion is NOT a concern.
- If you really want to get into it, the fact that millions of people every year in the US cut cable means that Comcast/ATT/other coaxial companies need to try and not only milk more money out of customers, but try to prevent a bunch of internet streaming - like Netflix, Hulu, and Amazon Prime. When you stream HD content, it is about 3GB+ of data every hour.
- Comcast is taking the profit driven approach to capping people's data usage, without reasonable competition in their service areas for people to show their displeasure by changing to another provider.
- The following reasons are sufficient to stop this action:
Lack of consumer choice due to local monopoly

Lagging behind the rest of the world in broadband availability and cost to consumers
 Importance of the internet for children to participate in school and for everyday people to participate in the modern economy This is not a "value-added" service. It's the same service you've always paid for, and now you're being forced to pay more for it. There implementation of a cap on internet data are down right illegal. like;

- My ISP, Comcast Xfinity, sent out the attached notice explaining that starting November. 1, 2016, they will impose a limit on the amount of internet data that homes in my area are allowed to use, and any additional use will incur additional charges. This business practice unfairly penalizes consumers who prefer to stream internet content instead of purchasing Cable and other entertainment packages from this ISP.
- I feel that I have been misdirected into buying a high speed plan and then having to pay extra to have unlimited data for my normal usage. Comcast is the only High Speed provider in my area and this new monopolistic business tactic is yet another move to trick consumers into paying outrageous fees for normal internet access.
- They have implemented a 300GB cap. (1) This is false advertising since I paid for 50Mbps internet data rates which equates to >100TB per month (60 secs x 60 minutes x 24 hours x 30 days), (2) this violates anti-trust since NO other 10Mbps+ option exist in my area, (3) this violates net neutrality and anti-trust since this restricts my ability to use over the wire services like video streaming (Netflix, Amazon Prime,etc) that compete with their cable business.
- Comcast has decided to put limits on the amount of data consumed in a month. This will hurt consumers as devices that consume data are very quickly becoming ubiquitous due to the "internet of things" movement that hooks up everything to the internet from phones, watches and tablets to TVs, refrigerators, toasters and security cameras.
- While Comcast has been proven time and again to provide laughably subpar service with higher than average pricing due to lack of competition (often due to local legislation restricting further cable/fiber development), the recent changes to current servicemembers limiting their data download for no other reason than that of profit hoarding is the straw that has broken my back, and is a clear attempt to stifle. our nation's infrastructure.
- I don't understand how that is fair I already pay \$100 dollars for having fast internet and now I have to pay for data usage and where do they get the numbers of 600 or 700 hours of video when you have UHD tvs and 4k tvs that used 2400kbps or more per TV so that is an absolute lie if you have 4 people watching 2 movies per day they would use 16gb

aday multiply $\times 30$ days or 480gb amonth thats only watching. movies factor in photos, music, or playing games on line 1 person can use an average of 20gb daily as it is my case of a house hold of 4, I dont know where they get that only one percent uses that much data.

- Comcast is taking the profit driven approach to capping people's data usage, without. Reasonable competition in their service areas for people to show their displeasure by changing to another provider.
- Comcast has violated the net neutrality ruling. By placing arbitrary restrictions on internet data usage, which in turn dissuades the use of internet-based entertainment services in favor of their own content, Comcast has introduced an unfair and unjustified system of gate-keeping and preferential tiered accesses.
- Under this plan - which is not optional - users are limited to 1 terabyte of traffic per month, and overage fees will be assessed at the cost of \$10 per 50 GB, unless we pay an extra \$50/month for unlimited internet usage. Comcast is the only internet provider that I can subscribe to in my area, and the data limit is unreasonable for those, like me, that use heavy amounts of bandwidth for backing up their computer, watching online videos, etc.
- More and more people are changing their habits and streaming video will start to consume more and more internet data, but comcast will not change their stance on this as people slowly start to use more and more data.
- These days also with cloud storage, people are constantly uploading data that will go against that 1Tb of data, and in the event of a disaster recovery and someone has to download hundereds of gigabytes or even more depending on the failure, they are going to be heavily charged for getting their stuff back for a failure they did not even cause.
- While they spin this to seem like a blessing and that they are being such a gracious provider, the reality is at my speed of 50Mbps I could theoretically use more than 1000TB of streaming content and data in a month's time if I were to take full use of my service. While 1TB may seem like a reasonable amount of data to use per month, the advent of 4k television and streaming devices will certainly make that thought an illusion of the past.
- As 4K streaming content becomes ubiquitous, 1TB/month will become absolutely inadequate. This move to implement 1TB/month now is a long term strategic move to implement a bar that will not move while internet usage increases, thus forcing competitors like Netflix and Amazon Instant Video out of the market.

- In the event I am forced to transfer Internet services to another provider, unbundling Internet and television, Comcast must hold my television package price at the current level given the monopolistic Catch-22 I am in as ATT cannot match the television package I have and the problem is overall affecting the Internet connection which I rely on for work-related activities being self-employed. Regardless of my employment situation I cannot take any more excessive time away from my schedule to sit with a Comcast technician while they try and figure this out as they have already failed to fix this problem once.
- For the past 4 weeks I have opened over 7 service requests as our internet connection has been intermittent and offline completely for 1-12hours at a time. During each service call Charter's customer service confirms that either the modem or the Charter line to our business is having signal issues and schedules a service call so that a local technician can troubleshoot.
- Naturally, I responded by changing my network to OpenDNS, but because the connection is injected in all HTTP requests that didn't fix it. On the home computers I installed an app that changes all traffic to HTTPS and that permanently solved the problem there, but the mobile devices couldn't so I blocked the IP address for all devices in the router's parental controls and that at least stopped a secondary user from agreeing to terms illegally on my behalf (which, seriously, they shouldn't use children for) but the page request is still made meaning that app functionality.
- 1st phone call placed 1/28/17 - told to replace gateway
Replaced gateway 1/31/17
2nd phone call placed 2/4/17 due to same issue with connection, tech scheduled for 2/8/17 tech shows up and witnesses my connection issues, replaces all wiring and gateway, still same issue, calls supervisor, supervisor shows up and claims the problem is with the main line, supervisor puts in ticket for maintenance to. work on lines, maintenance shows up and claims I should not be having any issues, maintenance works on lines in front of home, come to front door and claims my internet issues are resolved, internet worked great remainder afternoon/night 2/9/17 1st call of night (7:36 pm ct)- placed call because internet is back to same issue with connection, sent refresh signal, told to call back if same issue (21 minute . call)
2/9/17 2nd call of night (7:59 pm ct) - same connection issue, sent to advanced technical support team, he provisioned gateway, said I was not having issues as if I was making this up, explained my problems and he still insisted I was not having connection issues, ask to speak to supervisor, he sent me to technical support under him, they could not help me cause they were not authorized to send my. call elsewhere, hung up and called back

(97 min call) 2/9/17 3rd call of night (9:36 pm ct) - called to set up technician to come back to home, scheduled for 2/13/17 (31 minute call) 2/11/17 - called in to activate my new personal modem I purchased, technical support activated new modem, could not sent signal to new modem, tried different room, same issue, reactivated gateway provided by Comcast until.

- The problem I have is Not with my service provider but with a public domain which is: <https://www.yahoo.com/news/> I am not sure if you consider what I am about to say a violation but I want to report them anyway: Yahoo is acutely biased toward Republicans and they continue to kick individuals like me out of a news topic just for voicing my opinion about our political issues. I feel that Yahoo is supporting communications that could very well be classified as instigation, or Attempted instigation of Political Unrest by those who are Democrats using derogatory, inflammatory malicious gossip, slander, defamation of character, and all other forms of insults against other Americans.
- This change constitutes a major alteration to the service they sold myself and other consumers, which previously did not include any such cap on data. The new imposition of this data cap signals that Comcast is 1) not interested in upgrading existing infrastructure, 2) wishes to take advantage of tiered usage through bait-and-switch, and 3) is confident enough in the lack of availability of alternatives in areas where they hold a monopoly on internet service access.
- I have tried calling their support lines multiple times and have received the following from doing so: I was told bands were missing from my account and they were added, I was told it would be reported to a network tech and fixed in the hour, I had a tech come out to my house and tell me it was not a home issue but one with their infrastructure and he would give my message to his boss who might contact.

End of Document