11/22/17

To WHOM IT MAY CONCERN AT THE FCC:

My name is Adam Pacio. I am a resident of Pennsylvania in the city of Pittsburgh. I have a MS in Interactive Communications from Quinnipiac University in 2008, and I make my living off of the internet in the form of a Digital Project Manager for an advertising agency in Pittsburgh.

I am filing this brief on 11/22/2017 to add my expert opinion on the matter before the FCC regarding the abandonment of so-called Net Neutrality.

**BRIEF**

Net Neutrality is a two-way protective street. The consumers are allowed to use the internet at their discretion and assume all legal responsibility for what they download. The Internet Service Providers also gain a measure of legal protection in that Net Neutrality legally indemnifies all ISPs from being held directly responsible for the manner that their users choose to employ the internet utility the ISPs provide.

If you remove Net Neutrality in favor of allowing tiered approaches to internet service and to allow the ISPs greater flexibility and control over how they charge for the access to this publicly-funded, publicly-developed, high public interest utility, then you will also open the door potentially to strong legal retribution against those same ISPs who are apparently looking only at the profits.

With Net Neutrality repealed, the ISPs immediately become legally complicit in whatever use of the internet their customer base engages in. Gone will be the days of the legal protection for the ISPs. Certainly there are current contracts for Terms of Service which specifically attempt to indemnify the ISP or service providers of various internet services with abuse potential out there, but no contract has the power to override standing law. All such contracts become null and void in the eyes of the law if and when Net Neutrality is removed, and the ISP becomes 100% complicit in all illegal, unethical, and detrimental uses of their service by their customer base.

The TCP/IP internet information protocol wraps all data that crosses the network in discrete layers, and the content of the information packet being transmitted across the network is set up in such a fashion so that the outer layers contain the least amount of information, just where the data needs to go next, and the inner layers get progressively more specific and more detailed until you reach the layer of the content itself.

Under the current system of Net Neutrality, the ISPs are recognized as being the providers of a utility. Just as you can’t sure the electric company for providing lights that terrorists used when they planned out an attack, you can’t currently sue Verizon, for example, because their network was used in peer network illegal filesharing and copyright infringement. The prevailing fiction is that because TCP/IP empowers the transfer of data packets without snooping to deeper levels of detecting \*what\* was being transmitted, the ISP is blameless because it’s just providing the vehicle of transmission of information packets over the network.

Yet if ISPs are being empowered to take deeper reads into those anonymous packets of data to determine the type of content and the users involved and then apply complex logic for “separating out” bandwidth, speeds, and data streams based on what is being transmitted, then the plausible deniability fiction which is enshrined under Net Neutrality no longer exists. It becomes logically impossible for an ISP to simultaneously claim to both be sorting delivery based on actual content of the data stream AND to claim to be ignorant of what the data stream contains at the same time.

The potential legal ramifications to the ISPs and big businesses are immense. In the Non-Neutral Net of the proposed future, Metallica will not only be able to sue those it catches violating copyright and distribution rights of their intellectual property, they will also be able to sue every single ISP which touched the data, every network center, every ancient mainframe skeletal foundation of the internet which touched and passed their proprietary data along. And since they will be dealing with corporations and not individuals, Metallica’s lawyers will be able to bring lawsuits to the table with perfectly established tort against multinational corporations to the tune of millions – PER OFFENDING USER! A single posting of a single song to the wrong torrent boards could bankrupt a multinational global ISP like Verizon just because a small percentage of their users downloaded the song illegally using hacks and proxies to circumvent throttling efforts.

The proliferation of the internet has succeeded precisely because of Net Neutrality. We are still struggling as a society to adapt old legal statutes to better conform to the different uses, communication and distribution patterns which are caused by the emerging technology and continued expansion of the internet worldwide. Net Neutrality is essential, absolutely so, to allow the innovation and expansion of this tool to continue.

As of 2017 there are currently no known instances of any major public ISP having financial difficulties at all. The only trouble in that equation can be summed up in the phrase, “Corporate Greed”. We do not exist as a society to serve the bottom line of corporations. Corporations exist to serve our needs, and their bottom line grows depending on how well they do their job. For government to step in to shake up the very foundation of the legal protections which has allowed the internet to gain success and adoption as a society is short-sighted in the extreme.

Speaking as a member of academia and a credentialed professional expert in the study of the internet as a communications platform, I urge the FCC to resist political pressure from the top and remain true to the stated purpose of government, which is to represent the best interests of all of society, not just the overly greedy corporate oligopoly.

DO NOT OVERTURN NET NEUTRALITY FOR THE LEGAL CONSEQUENCES ALONE WILL BE MORE DIRE THAN CORPORATIONS ARE CURRENTLY ASSUMING. DON’T RESCIND NET NEUTRALITY. IF YOU DO, THIS WILL BE THE LARGEST MISTAKE OF YOUR ENTIRE GENERATION, INDEED, PERHAPS EVEN YOUR ENTIRE EXISTENCE ON THIS EARTH.

Thank you.

-Adam G Pacio  
Digital Project Manager  
MS Interactive Communications  
Concerned Citizen