

To: FCC
RE: NET NEUTRALITY

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This author was engaged at the World Intellectual Property Organization in the years 1997 and 1998, and assisted in editing and performing legal research to the Secretariat's development of Arbitration Guidelines, as suggested by the United States Department of Commerce. Assignments spanned both phases of that period: the “gTLD-MoU” phase, and the subsequent phase presented by the Commerce Department “White Paper”. Worldwide input and criticism was massive, and we integrated those inputs (where applicable) with those from the International Telecommunication Union, the World Health Organization, and WIPO's expert Divisions.

The above historical introduction reminds us all that, in those turbulent times, bringing resolution to the Network Solutions monopoly, one glaring aspect seemed to come only from the United States: “The world could not accept 'Swiss Ivory Tower' control...” (impugning ITU as not acceptable repository(?) and our WIPO as well). Those complaints and White Paper position was that a “stable, neutral corporation” was needed (paraphrased recollections of my personal experiences, 20 years ago). The World acquiesced to this US Government demand. The ICANN became a reality (Internet Corporation for Assigned Names and Numbers). The World watched, and approved, as the US Government of twenty years ago did create a stable and neutral process for domain name registration.

As 2017 comes to a close, the U.S. Government no longer sustains a belief in Net Neutrality. The World is now watching, and questioning the proposed FCC decision to disrupt that twenty-year “promise” to stabilize and keep neutral, our global Internet, unfettered by proprietary interests. Since 1999, our world and the global commerce has used this neutral Internet to create new industries. The multi-billion dollar industries that already control bandwidth and capacity, now spend millions lobbying FCC officials and Congress to give them “priority content pricing” authority. If the FCC revises its rules as promised by Commissioner PAI, to allow bandwidth throttling or fee-based content control, it will create an unwanted phase of monopolization.

Monopolization, by Network Solutions, was deemed undesirable. Reintroduction commercial monopolization via the implementation of these proposed regulatory changes, transforms the Internet, politically and economically, into an unknown entity that will affect millions of sites, both commercial and artistic. Only shareholders of AT&T, Comcast and a handful of other corporations approve, as well as those government officials, all sworn to protect the American people.

My grandfather's advice was to understand “Consequence Analysis” – it only fails us when we fail to use it. Therefore this Comment urges the FCC to listen to millions of small site owners and billions of “Internauts” whose livelihoods and interests will be under control of “American Ivory Towers” (no longer foreign!!). Giving carte blanche to such massive corporations will change the Internet so greatly, one has to conclude that Commissioner PAI and others in this proactive, destructive paradigm are personally going to profit from their impulsive quest.

The Internet must remain stable. Economic prejudice to users already exists: the FCC should be acting to reduce costs to end users. It is against the Constitution to do what the FCC proposes. Under the Constituion, Article One, Section Eight, and the 14th Amendment, and: by virtue of the Supreme Court Case of Citizens United, the FCC will create a system that treats unequally, both individuals and “corporate Citizens.” Consequence Analysis tells this author that hundreds of filed lawsuits, World Trade Organization complaints, and FFC complaints, are ahead of Commissioner PAI in 2018 and beyond.

The Bottom Line is simple:

Do not change the current regulatory structure.

Do not allow billion dollar corporation to create an American Ivory Tower.

Keep the Internet NEUTRAL.

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