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APR 23 1996

From: Mike Stump <mrs@cygnus.com>
To: A16.A16(rm8775)
Date: 4/22/96 6:30pm
Subject: Informal Comments for RM No. 8775 (ACTA Internet Phone Petition)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

These personal informal comments are from:

Mike Stump
111 North Rengstorff #45
Mountain View, CA 94043

I am saddened that the FCC has to ask for public comments on an idea that is so grossly misguided as the ACTA Internet Phone Petition. In the real world, we would just laugh, and point fingers at them, and then laugh again. We would look at the calendar, and see if it was April 1st.

Let me start, by examining what they want the FCC to do. They want the FCC to regulate the sale of software? The software doesn't kill children, it doesn't attempt to defraud the buyer, it does have redeeming qualities, it can be useful for some people, in some situations. Their stated purpose was to have the FCC "immediately stop the sale of this software" is contrary to what they themselves state is the purpose of the FCC:

for the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense. for the purpose of promoting safety of life and property, through the use of wire and radio communication. . . .

They even support the notion that the software is in the best interests of the public, and helps the FCC achieve its goals of an "efficient" "world-wide wire [..] communication service with adequate facilities at reasonable charges" "to all the people of the United States" directly by stating the software:

[Allows anyone to use the Internet (a wired communications system) as a means of communicating via voice] at virtually no charge for the call. [And] it is not in the public interest to permit long distance service to be given away.

They seem to think the FCC exists to ensure their member organizations don't have to become efficient and don't have to face competition, in whatever form it occurs in. Just because using the Internet may be more efficient (the cost of using it, might be lower than using a traditional telephone), doesn't mean it is against the public interest. It is against the interests of any organization that doesn't want to face competition, and cannot change to meet the changing needs of its customer base. The FCC need not artificially ensure the life of their member's companies by stopping "the sale of this software."

Next point, they claim that the software "enables a computer with Internet access to be used as a long distance telephone". This is factually false given the common definition of "a long distance telephone." The common definition of a telephone includes the notion that it can be used to interoperate with all the other telephones in the world. The plain fact is, an Internet phone, cannot be so used currently. The software is more like two tin cans, and two pieces of string, that can be attached to a big piece of string, known as the Internet. The FCC should not attempt to ban the sale of phones, ever.

Next point, one can complete a call "at virtually no charge for the call." This is factually false. As with any competitive free market efficient industry, there are costs associated, and they gravitate to a reasonable level. First, there is a \$200-\$300 28.8 kbps v.34 modem that one must buy to even think about hooking his computer up to the

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global Internet, or one can spend \$400 on an ISDN modem, or \$1,300 on an ISDN bridge. This is not exactly free. Next, there is the ISP.

The price ranges from \$19.95 (for cheap v.34 service) a month, to a cheap \$380 a month (for 2B ISDN) service. This is in addition to the cost of the modem. Then there are one time signup fees (\$0 to \$200) to the ISP. There is a one time signup fee to the local telephone company (\$0-\$200). Then there is the local phone line (\$25 to \$200), again, hardly free. So we are up to \$44.95 to \$580 a month, with an initial \$200 to \$1,700 to set it up. And this doesn't include the cost of a computer (\$1000-\$3000), nor the cost of the software (\$50-\$100). Second, there are human costs involved also, signing up for Internet service, securing the software, setting it up, convincing others to do the same, dealing with network problems, and bottlenecks, waiting in vain for a decent connection, and dealing with a line quality far below the typical telephone.

Next, the seem to miss the fact, the software can be used within a company, or on a private Intranet, without ever touching or using the Internet. A company can use the software to teleconference people in a large building. Prohibiting the sale of the software would unfairly penalize any such user.

Next, the seem to miss the fact the Internet service is based upon the resell of normal commercial telephone service to meet peak loading of the ISP facilities. The vendors of this normal commercial telephone service are the AT&Ts, the Sprints, the MCIs, the LDDSeS, the MFSeS, the Wiltels of the telecommunications world. I would guess that more than 96% of Internet traffic that flows between end nodes on the Internet flows over traditional telephone lines. This means, that the growth of the Internet and the utilization of the Internet to bypass the normal telephone system can only increase the gross revenues and gross profits of telephone companies. If a company cannot compete in a free market, where price is based upon cost, then I do agree with the ACTA Internet Phone Petition when it says the an Internet phone might deprive "those who must maintain the telecommunications infrastructure of the revenue to do so", on the condition that they are not competent to do so. A competent company can stay in business, charging what they need to survive. An incompetent one, thinks it can charge whatever it wants, and dictate what people want for what price. IBM learned the hard way. Apple learned the hard way. IBM is still in business, conclusion, it is competent. If they feel incompetent in maintaining the "telecommunications infrastructure" then they need to be forced by market forces to relinquish the responsibility to someone that is competent. The good news is that with the lack of regulation, this will happen.

Next point, "ACTA submits that here also it would be in the public interest for the Commission to define the type of permissible communications which may be effected over the Internet." The FCC is not in my lifetime going to dictate what bits I can send to a private party on the Internet, period. This point is non-negotiable. If you don't understand this, then you have no clue what America is about, and don't deserve to exist. I would support cutting the budget of any government entity I think oversteps it's bounds.

Next point, timeliness. ACTA doesn't seem to read the newspapers, or follow recent Congressional law. Deregulation is the name of the game this weeks folks. Everything from Cable TV, to local telephone providers. Asking for silly regulation in a market that is being massively deregulated, is kinda pointless. I hate to say it, but on some Operating Systems, one can use standard facilities to effect a voice communications channel. `dd if=/dev/audio bs=1k | rsh remote-host 'dd of=/dev/audio bs=1k' would work on many popular UNIX boxes. This software cannot be regulated, period. The capacity to carry voice cannot be denied, nor removed, nor regulated. The best one could do is to create silly unenforcible laws and regulations.

Just in case I wasn't persuasive enough to deny their petition, take a survey, and ask people if they think the FCC should help ensure that the Internet cannot be used by tax paying citizens of the US to engage in voice communications with their friends and family. Most people would hang up in disbelief, knowing the FCC couldn't be running such a survey because the very concept is so, uhm, what's the word, far-fetched, to be kind.

If you decide to grant them the petition, you might as well regulate video communications, and while your at it, might as well throw in email, news, and web traffic as well. Go ahead, try.

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From: James E. Leinweber <jiml@slh.wisc.edu>
To: A16.A16(rm8775)
Date: 4/23/96 12:15am
Subject: ACTA petition for relief from internet telephony

Experiments carrying voice traffic on digital links over the internet are simply another example of the "digital convergence" which has been widely anticipated for the last decade. While I can certainly understand the desire of the current phone companies to protect their voice tariffs against uncomfortable new competition, I cannot condone such a blatant abuse of their monopoly position. The USA has substantial unused inter-LATA bandwidth on all that modern fiber optic cabling, and the phone companies are extremely profitable. No relief is either justified or needed. Furthermore, other attempts to regulate types of internet traffic are probably doomed to the same neo-luddite failure as attempts to censor internet traffic. Please reject the ACTA petition for regulation and relief against internet voice telephony.

-- James Leinweber
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From: Paul's PC Help & Repairs <pauls@net1.nw.com.au>
To: A16.A16(rm8775)
Date: 4/23/96 12:38am
Subject: Internet telephony

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Dear Sirs,

I read with some dismay that the telephone companies in your country are trying to get the Government to ban telephone access through the internet.

I would like to ask you to seriously consider this as it would have repercussions around the world. Particularly to users such as my family.

We are a low income family with two teenage children. We use the internet as our access to the world. If this service became unavailable to us by being too expensive to use it would disadvantage our children who are now at a stage in their educational lives to be gaining the most from this service.

I do not see why these huge companies should have a monopoly on communication. It is not after all as if they do not make profits, they certainly make huge profits here in Australia.

Please listen to the average person in this matter, and make our lives not so restricted by big business. After all we do already have to pay monthly fees to gain access to the internet, so we are already contributing. Also we are of course contributing to the profits of the telecommunications companies every time we dial into our server.

Thanking you for your time.
Mrs. D. Smiles.

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From: AJFox <9505294s@lux.levels.unisa.edu.au>
To: A16.A16(rm8775)
Date: 4/23/96 7:31am
Subject: An opinion on Internet Telephony Software from an Australian.

1 APR 23 1996

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Hi to whoever is reading this, I hope this is going to the right place! :)

My opinion on Internet Telephony Software: The phone companies should have no say whatsoever in this matter. I base this on a number of points in general:

- 1) Not everyone has access to the Internet. Not everyone can use the software sufficiently to get it to work. In short, not everyone has the knowledge to use it.
- 2) The phone companies are blocking this software because they want the whole market on phone calls. They see telephony software as a profit-threat and of course want to stop it.
- 3) Stopping this software being made available in the US would not stop it being available overseas, but it would affect the entire telephony issue profoundly, as I would suspect over 50% of the total users are in the US, and many of the products were made in the US.
- 4) I feel that any attempt to block this software is unconstitutional according to the laws of the United States of America, and seems to be just another government/big business way of controlling cheap voice access. This may seem extreme but voice communications this way are also harder to monitor I'd hazard.
- 5) Even with the Internet access and knowledge of the software Telephony software doesn't work always. For proper usage decent computer hardware is needed, and also a good Internet Connection is also needed. There are a lot of places where the Internet Connection makes Telephony software unfeasible.

In conclusion: People will always make long distance phone calls, they are quick and easy, and will always be a better way of talking than the internet except in a worst-case scenario, or until every house has an ISDN connection to the Internet. Telephony software is one way for Internet users to try to talk to people across the world, when in most cases they simply cannot afford the cost of making the connection Voice using normal phone lines. If large Companies and Corporations can dictate what software can't be used on the Internet simply because it infringes on their profit margins, we could all be in trouble.

Thanks for reading this (if you got through it) :)

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| AJFox! |
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| http://dove.mtx.net.au/~ajfox | IRC Addict, Furry-fan, WereFox |
| http://gerulf.acsu.unsw.edu.au/~ajfox | and co-Founder of the Black |
| <Both under massive construction!!> | Tiger Vigilante Group. |
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| Uni status: 2nd year CIS Uni opinion: Don't disturb the ITU-Bots |
| Internet Quote: "Anything is available just no-one can find it" |
| Obscure Quote: "Fark the government I'm keeping my SAM site" |
| Contact No. +61 8 362 9975 Fax No./Mobile No. : None known to man |
|
| Fuck the CDA! |
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APR 23 1996

From: Barak Pearlmutter <bap@valaga.salk.edu>
To: A16.A16(m8775)
Date: 4/23/96 12:54am
Subject: regulation of internet service (voice)

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It is my conviction, as a heavy user of the Internet for well over a decade, that FCC regulation of services provided over the Internet would be misplaced. Certainly voice service over the Internet may well provide a threat to conventional telephone service. If so—too bad. The telephone industry has, for some time, had the privilege of a monopoly on remote voice communication. But this does not mean that the telephone industry has a "right" to that market segment. They have no right to "relief." Furthermore, any new technological means are at hand able to provide voice comm service should be regulated only on its own merits, and not out of some misguided notion of "fairness."

The US Mail has withstood competition from e-mail for some time—but there is no need to regulate e-mail services. Similarly, there is no need to regulate Internet voice services. In fact, such regulation would be very poor public policy.

Barak Pearlmutter, PhD

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