

Last year your agency protected the open Internet by passing strong Net Neutrality rules in response to the millions of people who spoke out. But now the same cable and phone companies that fought so hard to destroy Net Neutrality are creating new schemes that are just as harmful to the open Internet and its users.

The Open Internet rules say that ISPs can't pick winners and losers online by slowing down some apps while speeding up others, so Comcast found another way to pick winners and losers. Comcast exempts its own video app from customers' data caps, while counting all competing services toward those caps -- a textbook case of an ISP abusing its power for its own competitive advantage. In addition, Comcast's caps favor its own traditional cable service by discouraging customers from cutting the cord.

The rules say that ISPs can't charge websites and apps to be in the fast lane, so AT&T and Verizon created a new toll: they're charging websites and apps to be exempted from customers' data caps. The lower the caps, the more pressure on websites to pay up. These plans distort user choice, pushing people toward sites with deep pockets and away from those who can't afford the toll.

Finally, the rules say that ISPs can't be gatekeepers online. T-Mobile exempts the content of select video providers from customers' data caps as part of its Binge On program, but only if they meet its substantial technical requirements. This makes it difficult for many start-ups, small players, and non-commercial speakers to join. These exemptions are available for video only, so T-Mobile is favoring some kinds of uses over others. Not only that, T-Mobile is downgrading all video across its network just to pull off the plan, breaking video on the sites of many independent creators and small services by forcing viewers to sit through the infamous "spinning wheel of death" as videos load or buffer.

In every case, sites that have not made special relationships with the ISP now face new barriers to reaching Internet users. These practices distort competition, stifle innovation, limit user choice, and drive up prices.

In many cases, there's no legitimate reason for data caps to exist at all. Comcast is limiting Internet use with data caps, but allowing its own video app a free pass. But the company has admitted that its caps have nothing to do with managing congestion. They simply discourage broadband Internet use overall, and especially "cord-cutting" by users who'd rather give up their expensive cable TV packages and watch online.

Altogether, these practices prove what we've always known: these companies hate the FCC's Net Neutrality rules and are doing everything they can to get around them. In the long run, everyone on the Internet loses -- except carriers in the middle that get to impose data caps, charge tolls, and act as gatekeepers.

These plans need to be investigated and stopped. It's the FCC's job to protect consumers from these kinds of abuses. Meanwhile, Congress should encourage the FCC to do its job.

Note: for privacy reasons, rather than providing my personal phone number, I'm providing the number of an advocacy group. If you'd like to contact me about my complaint, please do so via email.

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