

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Protecting the Privacy of Customers of Broadband) WC Docket No. 16-106
Other Telecommunications Services)

Curtis J. Neeley Jr REPLY to corporate “stakeholders” (AAF, 4A's, ANA, DMA, ERA, ETA, IAB, NAI, Nat'l Business Coalition on E-Commerce) wholly misleading and deceptive comments: <http://apps.fcc.gov/ecfs/document/view?id=60002077420>

This reply comment follows the format of comment “60002077420” but discards frivolous footnotes. See online at http://curtisneeley.com/FCC/16-106_Reply-to-AAF.html, http://TheEndofPornbyWire.org/FCC/16-106_Reply-to-AAF.html, http://Human-Dignity-US.org/FCC/16-106_Reply-to-AAF.html, http://master-of-photography.us/FCC/16-106_Reply-to-AAF.html

I. Introduction – Curtis J. Neeley Jr. RESPONSE

. . . . The FCC announced a “new” rule making to finally begin regulating personal data collection and create requirements for CURRENT ISP data collection and use or sales of data to ensure the privacy of personal data as is **CLEARLY** required by 47 U.S.C. §222. Privacy or proprietary data must be protected to ensure continued economic success in “online” interstate wire communications; whether called broadband, WiFi, “nternet”, or telephone. The corporate “stakeholders” profit immensely by selling or otherwise monetizing proprietary personal “data” and hope 47 U.S.C. §222 remains ignored like 18 U.S.C. §§ 1462,1464 are ignored by the FCC today causing costly litigation in the forum U.S. corporations abuse regularly to propagate broadcasts of tele-pornography and usage of proprietary customer data which should not occur like disclosed in the current plan as follows:

“We believe that the proposed restrictions are unnecessary, overly burdensome, and outside the FCC’s statutory authority.”

Data-Driven Marketing Benefits Consumers – Curtis J. Neeley Jr. RESPONSE

. . . . The FCC does not need to establish a record of consumer complaints to support 47 U.S.C. §222 regulations or justify any specific approach to protect privacy. The current “online ecosystem” monetizes proprietary content consumers value, promotes innovation, and grows the economy. Most users are NOT aware this is done to suggestive-sell products the “cloud” of proprietary data harvested via interstate wire communications automatically suggests as relevant to consumers.

. . . . Those criminally monetizing proprietary data, of course, promise responsible illegal data harvesting and are aware 47 U.S.C. §222 prohibits economic benefits used today by law.

. . . . A cited recent “*academic*” analysis identified significant corporate concerns with regulating privacy through legislation and formal rule-making, like already required by law. The article *alleged* positive corporate privacy practices will develop using the existing legal framework as a “base”. This fails to recognize a U.S. judicial branch composed exclusively of elderly porn addicts committed to violating personal privacy of fixed proprietary communications when these are used in ways violating the honor or reputation of the speaker or writer due to the HOAX of Title XVII since *Wheaton v Peters*, 1834. Title XVII masquerades as an honorable law first used to create *American English*. Simply read *Garcia v Google*, (12-57302) and then search “online” at youtube.com for “*Innocence of Muslims*” and see corporations wholly ignoring the existing legal framework or easily manipulating their home “base” for preventing the FCC regulation of corporate violations of personal data.

Self-Regulation Is NOT-regulation for Online Data Practices

. . . . This NPRM is necessary because existing self-regulatory standards do not govern the online ecosystem. Congress considered online privacy careful and used 47 U.S.C. §222. Irrespective of the current invisible practices of corporations monetizing proprietary data counter to section 222. Most consumers are not aware valuable clouds of private data are being collected today though not allowed by section 222 regardless of the manner these distant communications are made. e.g. sounds, writing or visual gestures.

The NPRM Finally Admits Decades of IGNORED Section 222 Authority

‘‘‘‘ The corporate interests profit counter to law and allege FCC authority to address privacy under Section 222 is limited to customer proprietary network information regarding ONLY voice telephony. This is clearly ignorant and hopes the FCC will further ignore Congress and the law requiring privacy for telecommunications. Telecommunications is not some mysterious FIAT like “internet” was in U.S. Courts in 1996 and is even today. Telecommunications is defined as communications at a distance and is not limited by the manner these communications are delivered or how these human communications are first “fixed” to allow transport of sounds, writing or gestures.

Specific Corporate Concerns with Proposed Rules

A. The Proposed Definition of PII Is Thorough

. . . . The NPRM proposes to regulate “Customer Proprietary Information” (“Customer PI”) made up of CPNI and “personally identifiable information” (“PII”). The proposal defines PII as any information that is “linked” or “link-able” to an individual. The NPRM proposes that information is “linked” or “link-able” to an individual if it “can be used on its own, in context, or in combination to identify an individual or to logically associate with other information about a specific individual.” The proposal puts forth a legitimate definition of PII including numerous data elements such as application usage data, geo-location information, and Internet browsing histories. Consumers are not aware “smartphones” can transmit GPS data with every call or that every search for naked breasts is recorded and is then sold. Using the proposed FCC definition, the NPRM would apply to all customer data, including names and addresses. Section 222 privacy will benefit consumers without imposing significant costs on business and will be demanded by Curtis J. Neeley Jr. and very many others in U.S. Courts or the chosen corporate forum.

. . . . The NPRM’s approach is out of step with currently allowed privacy abuses. If an entity is the victim of a breach involving non-eponymous online identities not otherwise linked to an individual, the breached entity would simply need to announce the required notification. Such a law created privacy concerns for corporations currently selling eponymous data counter to the Communications Act.

B. Opt-In Consent Is the ONLY Appropriate Standard

. . . . The FCC’s proposed regime must require opt-in consent for data collection and use. The current non-regulatory framework has shown the “implied” or opt-out consent is an inappropriate standard and causes violations of privacy to continue without any felt negative affects though privacy violations should be prevented whether realized or invisible like often occurs today.

. . . . The FCC's previous attempt to mandate opt-in consent was struck down in *U.S. West, Inc. v. FCC*, 182 F.3d 1224, 1230 (10th Cir. 1999) for violating the First Amendment's commercial speech protections by a porn addict's "creative" ruling. This same illogical forum will be sought by the corporate interests to prevent broadband privacy from being enforced. The "*Berkeley Technology Law Journal*" discussed the Tenth Circuit error of subjecting the CPNI Order to First Amendment scrutiny. The "*Berkeley Technology Law Journal*"¹ also discussed privacy issues and how the porn addict decision negatively impacts the protection of information privacy in the United States. Citing current rulings without reading of how these affect the honor given to the broken judicial branch of U.S. government should be expected for corporate stakeholders².

. . . . Lawyers citing "creative" commercial "free-speech" rulings as relevant to personal privacy protection(s) announced by the FCC is a law-student mistake the FCC should NOT ignore like Section 222 has been for decades. Curtis J. Neeley Jr. will help the FCC against any corporate challenge to these announced privacy protections and should make opposing corporations reconsider.

C. *The Proposed Affiliate Sharing Rules Create Protections for Private Data*

. . . . Yes; The opt-out standard for sharing data with affiliates for marketing communications-related services is burdensome for corporate stakeholders but is both logical and statutorily required. Consumers rarely understand or realize companies market to existing customers and share with other corporations for this valuable purpose.

. . . . The current abuse of proprietary data is a tremendous boost to the online ecosystem whether realized or not. The new opt-out requirements will create legitimate hurdles for companies to cross before engaging in marketing efforts.

D. *Breach Notification and Data Security Should Not Require Congress to More Specifically Legislate Than Done in Section 222.*

1 Julie Tuan, *U.S. West, Inc. v. FCC*, 15 Berkeley Tech. L.J. 353 (2000).

<http://scholarship.law.berkeley.edu/btlj/vol15/iss1/18/>

2 The stake+holders compound word is intentionally spelled using the heterograph "steak" to help readers accept the importance of etymology in law like the 1790 *American Copy[rite] Act* used the heterograph "right" instead of the corporate "rite" or book publishing "rite" being copied verbatim from the British 1710 *Statute of Anne*. This caused the United States to ignore the human right to protect privacy/attribution for inventions and creations though protected in Europe first with the *Engravers Act* of 1734 explaining the E.U. "*Right to be Forgotten*" with a solid basis in laws passed up to forty-two years before *America* first rebelled. This became the first inherited human right in 1766 almost a decade before the Revolutionary War.

. . . . The NPRM includes minimal breach notification and data security requirements. A more flexible approach, requiring reasonable data security, would allow citizens to assess and respond to rapidly evolving security threats. The FCC should regulate breach notification broadcasts cautiously.

. . . . Data security and breach notification should be made consistent with the European Union to provide consistent, meaningful standards across continents and industries.

. . . . Curtis J. Neeley Jr. appreciates the FCC admitting “online” was always use of a Title II Common Carrier during *Curtis Neeley, Jr. v. 5 Federal Communications, etc., et al*, ([14-3447](#))(2015) but regrets these not being called the 47 U.S.C §153 ¶(59), wire communications, now being used in commercial interstate trafficking of human sounds, writings. or visual gestures. e.g. communications.

. . . . Corporations, like ATT U-verse, require use of corporate DNS in order to better monetize usage of proprietary data before encryption, which is clearly prohibited by 47 U.S.C. §222. Mandating use of ATT DNS allows and encourages violations of personal privacy and prohibits protection of interstate communications by choosing to use regulated DNS in public schools so absolutely no nakedness can be communicated from a distance to a horny teen in U.S. schools with FCC subsidization of unregulated wire telecommunication of human sounds, writings or gestures.

VI. Cable Industry Mobilizes Lobbying Army to Block F.C.C. Moves³

. . . . Bobby Rush, Democratic congressman from Illinois, made sure fellow lawmakers are aware of the bribes already given to oppose the FCC proposal to limit ISP's illegal sharing of users' proprietary personal data. AT&T's senior vice president for external affairs, Jim Cicconi, wishes to continue forcing AT&T U-Verse customers to accept harvesting DNS request for pornography and other illegal proprietary personal data in order to protect corporate profits. Cable ISP companies say the ISP privacy proposal would not include limitations for GOOG as if this were noteworthy which it is NOT because GOOG et. al. are also end users of Title II common carriers and do not provide connectivity to consumers but have interactions with other end users and will be enriched when not if ISPs resume competing like occurred in the days of dial-up.

3 Kang , Cecilia (2016, June 13). Cable Industry Mobilizes Lobbying Army to Block F.C.C. Moves. *The New York Times*. Retrieved from: <http://www.nytimes.com/2016/06/13/technology/cable-industry-mobilizes-lobbying-army-to-block-fcc-moves.html>

. . . . AT&T and EVERY other ISP is a racketeer influenced corrupt organization continually violating 18 U.S.C. §1462 and 18 U.S.C. §1464 to the wild delight of most citizens of the United States addicted to pornography, which Article III Courts will seek to protect in the disguise of free speech.

. . . . The trouble with Chapter 96 of U.S. criminal code is most citizens do not realize the “Attorney General” referenced includes all *pro se* attorney generals. The Congressional objective of Civil RICO is to turn victims into prosecutors or “private attorneys general” like Curtis J. Neeley Jr. and dedicated to eliminating racketeering. See *Rotella v. Wood* (98-896) 528 U.S. 549 (2000) 147 F.3d 438, affirmed.

. . . . Every ISP in America faces punitive and treble damages for sharing proprietary personal data in addition to continually violating 18 U.S.C. §1462 and 18 U.S.C. §1464 and thereby damaging children and marriages. “*Morality in the Media*” was recently re-branded as National Center on Sexual Exploitation and should soon bring the class action against ISPs for continually violating 18 U.S.C. §1462 and 18 U.S.C. §1464 using Chapter 96 of the U.S. criminal code to investigate and punish for trafficking in illegal obscene material.

. . . . In the event NCSE does not soon begin a RICO case against ISPs, Curtis J. Neeley Jr. will. GOOG, MSFT, the F.C.C. et. al. will not yet AGAIN face Curtis J. Neeley Jr. in United States Courts but could and should stop broadcasting obscene material into public schools by radio simply by requiring authentication for searches for obscene or indecent broadcasts as well as searches for profane broadcasts. This would be a trivial algorithm modification like can be seen operating as a quick rough draft at <http://go-oogle.net/> and <http://TheEndoofPornbyWire.org/FCC>.

. . . . No human communications can be accessed reliably from farther away than 229 miles based on the curvature of the Earth. This simple fact includes communications aided by radio except using bounced radio communications or military troposcatter microwave radio. The power of wire communications to allow communicating despite the curvature of the Earth is how broadcasting by wire allowed the “web” of online to exist. Article III judges are generally unaware addictions to online obscenity are wholly reliant on illegal broadcasts of pornography made by unregulated wire/radio communications or are made possible by wide distributions (broadcasts) of obscenity delivered to the unauthenticated public including elderly judges and children explaining the profitability of GOOG. Dis-Honorable Commissioner Pai is quite obviously addicted to wholly anonymous distribution of pornography and will protect this addiction regardless of U.S. law(s) like most Article III Oligarchs will “*creatively do*” in the name of free speech.

June 14, 2016

Semi-Respectfully submitted,

Curtis J. Neeley Jr.

Neeley v NameMedia Inc et al, (5:09-cv-05151)(11-2558)

Neeley v NameMedia Inc et al, (5:12-cv-05074)

Neeley Jr v FCC, et al, (5:12-cv-05208) (13-1506)(13-6502)

Neeley v FCC, et al, (5:13-mc-00066)

Neeley v Federal Communications Commissioners, et al,(5:13-cv-5293)

Neeley v Federal Communications Commissioners, et al,(5:14-cv-5135)((14-3447)

03-09-2015 Curtis calls Eighth Circuit Court DISHONORABLE as follows.

15. Looking online [HERE](#)* at Google Inc. reveals 18 U.S.C. §[2511](#)* interceptions versus public exclusions done at curtisneeley.deviantart.com* as intended. These organized communications privacy felonies, EXEMPTED from §[230](#)*, were obvious to all but the two blind school children surveyed though they understood. Not looking was dishonorable for Honorable James B. Loken, Honorable Lavenski R. Smith and Honorable William D. Benton and will always be and is a permanent dishonorable history plead reconsidered and made a temporary mistake.

Compare illegal <https://encrypted.google.com/search?q=curtis+Neeley+site%3Adeviantart.com&hl=en&safe=off> broadcasting

to the legal <http://curtisneeley.deviantart.com/> broadcast.

See this online at http://curtisneeley.com/FCC/16-106_Reply-to-AAF.html, http://TheEndofPornbyWire.org/FCC/16-106_Reply-to-AAF.html,

http://Human-Dignity-US.org/FCC/16-106_Reply-to-AAF.html, http://master-of-photography.us/FCC/16-106_Reply-to-AAF.html