

As a member of the public who wishes for the market to drive innovation, I am worried about the AOL/Time-Warner merger.

While my current cable carrier (Cox Communications) is large enough to withstand any possible convergence of AOL/Time-Warner I am concerned about the smaller cable carriers. As noted by the President of the American Cable Association, in a filing dated 4/25/00, it appears that I am not alone.

If groups like Consumers Union take a stand against this merger I believe that there is more at stake than just the 'little guy' against the 'big guy.'

AT&T stands against this merger as well. While they might have another agenda they wish to advocate, it is not part of this filing.

I'd rather see a complete 're-think' of this particular merger.

- 1) Define 'Open access' as the ability to use the wires for the cable company to connect to ANY Internet Service Provider (ASP) which provides service in the local area.
- 2) Define a policy of 'no censorship' over what is posted or downloaded over this wire.
- 3) Allow Abuse to be determined by the ISP. Do not allow the owner of the wire into the household to determine what they will and will not allow across the physical medium.
- 4) Require a public review of any case of abuse. This will force any person abusing the services of their ISP to be reviewed in a public forum.
- 5) Do not limit the upstream or downstream bandwidth. This is a shared medium, and under point 4 above, abusive use of the system can be punished.

I believe that AOL/Time-Warner, in their current roles of 'parent' to the internet through either AOL directly or Time-Warner/Roadrunner do limit the speech allowed on their systems.

To allow AOL/Time-Warner to merge could create a very large censor of the american free speech system.

The internet is growing quickly, allowing AOL/Time-Warner to merge would limit that growth to the growth that they like and approve. Please do not allow this merger to proceed.

Sincerely
David Barto