

Commissioner Powell et al

As a one-person consulting firm with special networking requirements, I am requesting that you do not close off competition between the various DSL providers. I and many other small businesses have special requirements that the Verizons of the world can't or won't support. I am providing some general comments as they apply to my situation and then will provide some specific comments as requested in the proceeding.

I do a variety of networking related tasks as part of being a one-person consulting firm. As such, I use DSL to access the internet. I connect to most on my customers over the internet. I provide web service for other customers. I support a variety of operating systems to provide these services. I have been doing this in various forms and by various methods and have had internet access since before 1990. I have a portable Class C IP network address that I use for my networks. Having access to reliable and inexpensive DSL has greatly simplified my work environment. The problem is that I couldn't get this service from Verizon and many others. They want to provide "cookie cutter" simple DSL service and do not wish to provide the routing for my Class C address. The only way they want to provide routing to my network is via a T1 line which would (the last I checked) be too expensive for my business. I need the services provided by the smaller, more agile ISPs/CLECs. Removing the requirement that the ILEC provide access for the CLECs could very easily put me out of business due to increased costs or inability to provide the service level that I need..

This is not to say that dealing with CLECs and ISPs is a bed of roses. I have had to switch ISPs due to bankruptcy and poor service/high prices. However, under the current system, I am able to do this. If your proposed changes take effect, I will not be able to. Your indication that competition between cable and DSL will provide adequate competition is wrong. Another consultant recently moved to where there was no DSL and had to use cable for high speed access. The cable provider would not/could not provide the IP addresses and routing he required. He had to completely redo his local network to use a single IP address and change his email and web service.

Looking specifically at the NPRM, in the early parts of the document, you talk about whether DSL should be considered as telecommunications services or information services. DSL in its basic form is a pipe of bits. Without a modem/router on my end and the other end of the pipe, there is no information passed. In paragraph 19, you talk about the definition of telecommunications as "the transmission between or among points specified by the user, of information of the user's choosing, without changes in the form or content of the information as sent and received." This is exactly what is provided now by COVAD/Verizon to connect me to my ISP. I send TCP/IP packets from my network to my router/modem. They are converted to bits and sent over the DSL line to my ISP access point where the bits are converted back to TCP/IP packets and routed to the appropriate internet host. This is exactly the process the data goes through when/if I use a dial-up modem to connect to an ISP. The data is transformed as it travels to the ISP but the bits going in at my end and the bits going out at the other to the ISP are identical.

In Paragraph 21, you talk about the "end-user must have the capability to interact with the information stored on the facilities of the provider of the wireline broadband Internet access service." This statement strikes me as just plain wrong. If you consider that Verizon is the wireline broadband Internet access service, it is flatly wrong since I do not interact with the

information stored on Verizon servers except as I might surf to their site like I might go to www.fcc.gov or hp.com. You seem to be confusing the fact that Verizon provides ISP services/web services for both dial-up and DSL users with the fact that they also provide data pipes to other ISPs for both dial-up and DSL. These are two distinct separate services much like electricity has both generation and distribution services and these can be bundled or unbundled. Your statement that you "view broadband Internet access service as not consisting of two separate services but as a single service" frankly defies logic. I currently use DSL and make no use of any Internet access service provided by Verizon (my ILEC). If by this ruling, you force me to use Verizon, which you appear to be doing by linking the services, that has to be considered restraint of trade or creating a monopoly. If you are not requiring me to use Verizon as my ISP, you are, in fact, saying that services are not bundled and there is no need for this NPRM.

The fundamental flaws in your logic discussed above allow you to "prove" your point in much the same way that dividing by zero lets you prove certain very wrong mathematical conclusions. Therefore commenting on the rest of your conclusions serves no purpose other than to restate my arguments above over and over again.

Your recent ruling that applied similar logic to cable Internet access seems to indicate that you feel that competition between cable and DSL ISP providers is sufficient. Nothing could be further from the truth. As I stated above, neither the cable nor ILEC ISPs will provide the cost effective special services that I need. Your eliminating of competition in this area will delay not speed up the providing of broadband access to the internet.

A further problem with the idea of having only one or two ISPs for broadband Internet access is that not all ISPs provide all services and some limit what users can say or post. This will surely raise First Amendments issues given the overall freedom on the Internet.

As an aside, the failure of the Tauzin Dingle bill in the Senate lends credence to the idea that at least the Senate feels that broadband should come under the competitive aspects of the 1996 bill.

Given the above, I strongly request that you NOT adopt this NPRM

Clifford J. Bedore III