

I write to oppose the reasoning of NPRM 02-33, "Appropriate Framework for Broadband Access to the Internet over Wireline Facilities", because I am concerned that treating broadband Internet access as an information service (as proposed by NPRM 02-33) would deprive me and other citizens of the United States of the unrestricted right to use the Internet for free personal communication.

I am a retired academic living on disability pension in a small town in the mid-South. My mobility is limited. My aged parents and siblings live in California, my sons live in Massachusetts. I correspond with them more than once a week. My extended family are spread across the United States. My friends from high school and college are spread from Adelaide, Australia to Haifa, Israel. My most frequent e-mail correspondents are in Indiana, California, Florida, Haifa, London (UK), Connecticut.

You can imagine how vital this personal communication is to me and to tens of thousands of my fellow United States citizens, whose mobility is limited, and whose loved ones live at a distance. I have a Ph.D. in Religious Studies from Yale University and have long been active in the American Academy of Religion, the world's largest organization of scholars of religions, and my professional colleagues are also spread across the globe.

E-mail is a God-send to me in keeping in touch because my hands are disabled (with spasticity) in such a way that handling paper is difficult. As a beneficiary of the past quarter-century's advances in communications technology I have a keen and vested interest in opposing any change in the status and /or architecture of the Internet that would limit access to the Internet or free use of it as a communication medium in any way.

Here my training in philosophy has relevance. By "access" I mean connecting my computer (and other digital communications devices) to the Internet. "Information" is in the ones and zeros that enter my computer -- or TV or radio -- to be processed. Information flows into my devices over a variety of "access" -- over wires, over cable, over an optical fiber, and through the air (either as radio-frequency energy, or as light-wave energy). That is, the same sequence of ones and zeros can and does enter my computer by any of these access methods.

The great advance of the Internet is that its fundamental architecture distinguishes "access" from "information". Any one of the various forms of access to the Internet puts one in touch with an infinite array of information. This is a huge advance over previous information-media. Furthermore, providers of this information (information service providers) do not own special infrastructure: all they own is a computer called a server -- a dumb servant! -- and any of the several methods of Internet access. As a result, the Internet is open to innovation, and we applications and services like email are available to folks like me. I also make use of web browsing (in all its manifestations) to keep my in touch with events that affect the people I care about, buy gifts, and listen to streaming audio and video. (I myself do not use the chat and instant messaging applications, but know several who do.)

Not a single one of these information (and communications) services was brought to market by a telephone company or a television company or a cable operator or a broadcast radio network. No, access is a fundamentally different business from "information service".

To equate "access" with "information", as does NPRM 02-33, is to commit a logical error. This is not a trivial error because of the legal sequelae.

To equate "broadband access" and "information service" -- as NPRM 02-33 proposes -- would be a horrendous step backwards.

Sincerely,

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