Federal Communications Commission

Re: Proceeding 07-52

15 June 2007

To Whom It May Concern:

This letter is in response for public comment regarding regulation of broadband telecommunication providers, or so-called "net neutrality".

First, I argue that basic internet services have become a basic and essential means of communications in much the same way as the post office or telephone services. Today, a majority of American households have access to the Internet[1]. Of those who use the internet, 88% report to using electronic mail.

Second, the internet has also become an essential means of disseminating news, with 67%[2] of internet users getting news, weather, or sports information. One of the justifications[3] for allowing the current media concentration in television, radio, and newspapers is that the internet as a new media provides alternate news sources and diversity of opinions. In fact, the FCC uses internet news in its computations of Diversity Indices, and in an example market rates the internet comparable to a daily newspaper[4].

Third, the internet as a means of news and opinion is also an important part of the political dialog. The internet is used for fundraising, electioneering, and political commentary. The Federal government has conducted internet voting studies, for example SERVE[5] to enable absentee voting by members of the armed forces. Provided that security concerns can be addressed, internet voting may well become a part of our political process.

Fourth, the internet has become a substantial part of this nation's economy, with online shopping being used by 54% of internet users[6] and representing about $100 billion, or about 2.6% of retail sales[7].

Given the relative importance of the internet in communications, news, speech, politics and commerce, I would assert that it is important to create and maintain an infrastructure that provides fair access to different providers of information is in the public interest.

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[1] "Computer and Internet use in the United States, 2003". US Census Bureau http://www.census.gov/prod/2005pubs/p23-208.pdf

[2] *ibid*

[3] "The Myth of Media Concentration: Why the FCC's Media Rules Are Unnecessary" The Heritage Foundation http://www.heritage.org/Research/InternetandTechnology/wm284.cfm

[4] http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-235047A1.pdf

[5] http://www.servesecurityreport.org/

[6] Computer and Internet use *op. cit.*

[7] http://www.census.gov/mrts/www/data/html/06Q1.html

Traditionally, internet service providers providing access through dial-up have been common carriers who cannot preferentially determine content or to which vendors, opinions, or resources that internet users access.

Today, telecommunications providers have a multiplicity of communications means – DSL, wireless broadband, cable, etc. – to provide internet services. In petitioning to be allowed to provide preferential service to different remote internet information providers, rather than serving as a common carrier, these entities would argue that the marketplace should be allowed determine telecommunications access.

In reality, there are but a few providers in any given market. Even in the city, practically only a few wireless providers, cable, and the local telephone company would compete for this business. Today, wireless providers already limit access to the internet via their terms of service agreements restricting sites, and amount of data transferred.

From the Sprint terms of service:

Services are not available for use in connection with server devices or host computer applications, other systems that drive continuous heavy traffic or data sessions, or as substitutes for private lines or frame relay connections.[8]

From the Verizon Wireless terms of service:

Data Plans and Features (such as NationalAccess, BroadbandAccess, GlobalAccess, and certain VZEmail services that do not include a specific monthly MB allowance or are not billed on a pay-as-you-go basis) may ONLY be used with wireless devices for the following purposes: (i) Internet browsing; (ii) email; and (iii) intranet access (including access to corporate intranets, email, and individual productivity applications like customer relationship management, sales force, and field service automation). These Data Plans and Features MAY NOT be used for any other purpose. Examples of prohibited uses include, without limitation, the following: (i) continuous uploading, downloading, or streaming of audio or video programming or games; (ii) server devices or host computer applications, including, but not limited to, Web camera posts or broadcasts, automatic data feeds, automated machine to-machine connections or peer-to-peer (P2P) file-sharing; or (iii) as a substitute or backup for private lines or dedicated data connections. This means, by way of example only, that checking email, surfing the Internet, downloading legally acquired songs, and/or visiting corporate intranets is permitted, but downloading movies using P2P file-sharing services and/or redirecting television programming content for viewing on laptops is prohibited. A person engaged in prohibited uses continuously for one hour could typically use 100 to 200 MB, or, if engaged in prohibited uses for 10 hours a day, 7 days a week, could use more than 5 GB in a month.[9]

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[8] http::://www.sprintpcs.com/common/popups/popLegalTermsPrivacy.html

[9] http::://b2b.vzw.com/broadband/bba_terms.html

Practically, only cable and the local telco even have a remote chance of providing fair and equal access to the internet in the current market, which means at best two providers.

I live in rural Rappahannock county, Virginia with approximately 7000 people. The location of my house does not afford me either cable, or high-speed internet service from my local telco, Verizon, because of my distance from the central office. Practically, I have no choice for high-speed internet access and if a provider was ever to offer service, it is unlikely that there would be two such providers.

I would argue that adequate competition does not exist either in urban or rural communities to enable the marketplace to determine telecommunication access policies.

Therefore, I humbly submit that in the public interest, the Federal Communications Commission should regulate telecommunications providers that act as internet service providers and should continue to require high-speed, or broadband, providers to serve as common carriers, providing equal access to all internet content providers.

Sincerely,

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