

**Dockets:** WT 06-150, 06-169, 96-86 and PS 06-229

colditz5491@yahoo.com wrote on 7/13/2007 11:36:38 AM :

Commissioner Jonathan Adelstein

Dear Commissioner Adelstein,

The airwaves belong to the public, not corporations like Verizon and AT&T whose anti-competitive practices have resulted in the U.S. falling to 16th in the world in high-speed Internet rankings.

To restore America's leadership in high speed Internet services, the FCC must ensure that the upcoming auction sets aside at least 30 MHz of spectrum for open and non-discriminatory Internet access. This will guarantee that new entrants have the opportunity to enter the market in competition with incumbent providers.

It would be a big mistake to hand over these airwaves to the very same phone and cable companies that dominate the wireline market. We need more competition and innovation, not more of the same. This new wireless spectrum must be open and neutral so that America can build a better Internet for everyone.

Sincerely,  
Joyce Warne Warne  
P. O. Box 237  
Sumneytown,, PA 18084

cc:  
FCC General Information

ld

**DOCKETS WT 06-150, 06-169, 96-86 and PS 06-229**

8/8/2007 1:48:39 PM - Email Acknowledgement sent to d.hub@mac.com.

d.hub@mac.com wrote on 7/13/2007 2:42:22 PM :

Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Federal Communications Commission,

The iPhone has set the stage for the future of mobile Internet -- but bad policies allow companies like AT&T and Verizon to shackle great gadgets to their closed networks.

To free wireless Internet, the FCC and Congress must use the 700MHz spectrum auction to create an open network that gives consumers:

1. The freedom to use whatever device we want on any network.
2. The freedom to choose among many providers in a competitive wholesale marketplace.
3. The freedom to access any content or services we want through our devices.

The telephone and cable companies have failed us in rural Oregon, we still do not have DSL, or Cable modem service. There are no plans to update our service. Cities have great service, and cheap. Rural areas have been forgotten. A FREE Internet should be The American Way, not locked up by corporations.

Sincerely,

David Hubbell  
14705 Highway 101 N.  
Rockaway Beach, OR 97136

**DOCKETS WT 06-150, 06-169, 96-86 and PS 06-229**

8/8/2007 4:32:14 PM - Email Acknowledgement sent to punkrider@gmail.com.

punkrider@gmail.com wrote on 7/13/2007 3:13:25 PM :

Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Federal Communications Commission,

I have lost trust in the government's ability to encourage innovation due to its lack requirement for inter-operability and openness within both the wireless spectrum and the carriers.

**GIVE US THE 700 MHZ!** If you fail to allot this to the public for open use, you will have once again caved to the corporate interests. I would almost expect it from all the shit you guys have pulled lately.

Who are you responsible to! **WE THE PEOPLE!** We have been struggling as citizens to bring more transparency and openness to the government, however, it seems at almost every turn this is derided by some well lobbied "representatives".

Bring me a device I have open access to program for (I am a computer programmer full-time) and I'll show you a level of innovation you wouldn't have ever expected.

The crux is we have never had this ability.

The iPhone has set the stage for the future of mobile Internet -- but bad policies allow companies like AT&T and Verizon to shackle great gadgets to their closed networks.

To free wireless Internet, the FCC and Congress must use the 700MHz spectrum auction to create an open network that gives consumers:

1. The freedom to use whatever device we want on any network.
2. The freedom to choose among many providers in a competitive wholesale marketplace.
3. The freedom to access any content or services we want through our devices.

These true open access standards should apply to the entire wireless market.

Sincerely,

Jonathan Sullivan  
3891 Sunset Rd #B  
Santa Barbara, CA 93110

**DOCKETS WT 06-150, 06-169, 96-86 and PS 06-229**

8/8/2007 4:48:29 PM - Email Acknowledgement sent to janice@geekartist.net.

janice@geekartist.net wrote on 7/13/2007 3:35:20 PM :

Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Federal Communications Commission,

The iPhone has set the stage for the future of mobile Internet -- but bad policies allow companies like AT&T and Verizon to shackle great gadgets to their closed networks.

To free wireless Internet, the FCC and Congress must use the 700MHz spectrum auction to create an open network that gives consumers:

1. The freedom to use whatever device we want on any network.
2. The freedom to choose among many providers in a competitive wholesale marketplace.
3. The freedom to access any content or services we want through our devices.

These true open access standards should apply to the entire wireless market. Frankly, I think that the only insist on contracts is because they knew their services is bad and people will leave them without a contract. Let's open up some competition and get them REALLY competing with each other.

Sincerely,

Janice Schwarz  
953 Diane Avenue  
Elgin, IL 60123

**DOCKETS WT 06-150, 06-169, 96-86 and PS 06-229**

8/8/2007 4:43:24 PM - Email Acknowledgement sent to w-bruun@sbcglobal.net.

w-bruun@sbcglobal.net wrote on 7/13/2007 3:43:04 PM :

Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Federal Communications Commission,

The iPhone has set the stage for the future of mobile Internet -- but bad policies allow companies like AT&T and Verizon to shackle great gadgets to their closed networks.

To free wireless Internet, the FCC and Congress must use the 700MHz spectrum auction to create an open network that gives consumers:

1. The freedom to use whatever device we want on any network.
2. The freedom to choose among many providers in a competitive wholesale marketplace.
3. The freedom to access any content or services we want through our devices.

These true open access standards should apply to the entire wireless market. We are the customers of that market, we built it - none of these technologies would be available without the direct monetary support of the consumers. We consumers demand competition and want the opportunity to use the technology - that we funded the research, development and distribution of - with other wireless providers.

Sincerely,

Walter Bruun  
518 Kenilworth Ave.  
Glen Ellyn, IL 60137

**DOCKETS WT 06-150, 06-169, 96-86 and PS 06-229**

kbuhl@enterprisecommunity.org wrote on 7/13/2007 3:48:28 PM :

Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Federal Communications Commission,

While large telecom corporations are allowed to corner users into their services and products, while blocking those of others, I will not participate buy purchasing an iPhone or similar device.

The iPhone has set the stage for the future of mobile Internet -- but bad policies allow companies like AT&T and Verizon to shackle great gadgets to their closed networks.

To free wireless Internet, the FCC and Congress must use the 700MHz spectrum auction to create an open network that gives consumers:

1. The freedom to use whatever device we want on any network.
2. The freedom to choose among many providers in a competitive wholesale marketplace.
3. The freedom to access any content or services we want through our devices.

These true open access standards should apply to the entire wireless market.

Sincerely,

Kent Buhl  
4412 SE Lincoln St.  
Portland, OR 97215

**DOCKETS WT 06-150, 06-169, 96-86 and PS 06-229**

8/8/2007 5:02:05 PM - Email Acknowledgement sent to halftherevii@gmail.com.

HalfThereVII@gmail.com wrote on 7/13/2007 4:11:26 PM :

Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Federal Communications Commission,

The iPhone has set the stage for the future of mobile Internet -- but bad policies allow companies like AT&T and Verizon to shackle great gadgets to their closed networks.

To free wireless Internet, the FCC and Congress must use the 700MHz spectrum auction to create an open network that gives consumers:

1. The freedom to use whatever device we want on any network.
2. The freedom to choose among many providers in a competitive wholesale marketplace.
3. The freedom to access any content or services we want through our devices.

These true open access standards should apply to the entire wireless market.

To compete with foreign groups, the United States needs to protect the market concepts that she pioneered, perhaps most importantly the concept of unfettered and open competition. This petition is the first step. Please lend us your ears and take steps to both preserve the Internet as a free marketplace and give access to it to all people in this country.

Sincerely,

Pete Marquardt  
26W 131 Tomahawk  
Wheaton, IL 60187

**DOCKETS WT 06-150, 06-169, 96-86 and PS 06-229**

8/8/2007 5:41:27 PM - Email Acknowledgement sent to egmusic@eldoradogene.com.

egmusic@eldoradogene.com wrote on 7/13/2007 4:53:44 PM :

Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Federal Communications Commission,

The free exchange of ideas and information is key to personal empowerment, to bettering ourselves and the global community at large. From a humble beginning 4 years ago as a virtual computer illiterate, i've been able to become pc functional enough to go online with 3 different small business enterprises. by receiving access to high-speed internet service and unfettered, cutting edge devices which facilitate this access, individuals, globally, are afforded the opportunity to better themselves and their families. why should americans be any different? why must our learning and avenues for personal achievement be restricted by the multi-national corporations? We already know why, but what do we intend on doing about it?

The iPhone has set the stage for the future of mobile Internet -- but bad policies allow companies like AT&T and Verizon to shackle great gadgets to their closed networks.

To free wireless Internet, the FCC and Congress must use the 700MHz spectrum auction to create an open network that gives consumers:

1. The freedom to use whatever device we want on any network.
2. The freedom to choose among many providers in a competitive wholesale marketplace.
3. The freedom to access any content or services we want through our devices.

These true open access standards should apply to the entire wireless market.

Sincerely,

gene ralph  
p.o.box 1895  
north plains, OR 97133

**DOCKETS WT 06-150, 06-169, 96-86 and PS 06-229**

8/8/2007 6:06:49 PM - Email Acknowledgement sent to tomhench@charter.net.

TomHench@charter.net wrote on 7/13/2007 5:28:19 PM :

Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Federal Communications Commission,

The iPhone has set the stage for the future of mobile Internet -- but bad policies allow companies like AT&T and Verizon to shackle great gadgets to their closed networks.

To free wireless Internet, the FCC and Congress must use the 700MHz spectrum auction to create an open network that gives consumers:

1. The freedom to use whatever device we want on any network.
2. The freedom to choose among many providers in a competitive wholesale marketplace.
3. The freedom to access any content or services we want through our devices.

These true open access standards should apply to the entire wireless market.

P.S. I have been a Mac user since it was a Lisa and my blood bleeds the color of Apple . . . but I long ago got stiffed by AT&T and swore I would never do business with AT&T again! Yes, I am stubborn . . . but making the iPhone available across many competitors is also the "right" thing to do!!! . . . for all the right reasons. Not just because I had a fight with AT&T! . . . (even if that is a good enough reason for me!)

Sincerely,

Tom Hench  
502 23rd St. N.  
La Crosse, WI 54601

**DOCKETS WT 06-150, 06-169, 96-86 and PS 06-229**

8/6/2007 9:55:01 AM - Email Acknowledgement sent to fasmith718@gmail.com.

fasmith718@gmail.com wrote on 7/10/2007 9:38:09 AM :

Commissioner Jonathan Adelstein

Dear Commissioner Adelstein,

The airwaves belong to the public, not corporations like Verizon and AT&T whose anti-competitive practices have resulted in the U.S. falling to 16th in the world in high-speed Internet rankings.

To restore America's leadership in high speed Internet services, the FCC must ensure that the upcoming auction sets aside at least 30 MHz of spectrum for open and non-discriminatory Internet access. This will guarantee that new entrants have the opportunity to enter the market in competition with incumbent providers.

It would be a big mistake to hand over these airwaves to the very same phone and cable companies that dominate the wireline market. We need more competition and innovation, not more of the same. This new wireless spectrum must be open and neutral so that America can build a better Internet for everyone.

Sincerely,  
Francis Smith  
202 Monitor St.  
apt 3  
Brooklyn, NY 11222

**DOCKETS WT 06-150, 06-169, 96-86 and PS 06-229**

8/6/2007 9:54:59 AM - Email Acknowledgement sent to gkatelynn@aol.com.

gkatelynn@aol.com wrote on 7/10/2007 9:31:23 AM :

Commissioner Robert McDowell

Dear Commissioner McDowell,

The airwaves belong to the public, not corporations like Verizon and AT&T whose anti-competitive practices have resulted in the U.S. falling to 16th in the world in high-speed Internet rankings.

To restore America's leadership in high speed Internet services, the FCC must ensure that the upcoming auction sets aside at least 30 MHz of spectrum for open and non-discriminatory Internet access. This will guarantee that new entrants have the opportunity to enter the market in competition with incumbent providers.

It would be a big mistake to hand over these airwaves to the very same phone and cable companies that dominate the wireline market. We need more competition and innovation, not more of the same. This new wireless spectrum must be open and neutral so that America can build a better Internet for everyone.

Sincerely,  
Linda Gale  
2038 SE Olympia ST  
Port Orchard,, WA 98367

WT Docket 06-150, 06-169, 96-86, PS 06-229

RECEIVED

JUL 25 2007

**WILLIAM A. KENT** Distribution Center

Attorney-at-Law

15242 Normandie Av  
IRVINE, CA 92604-2935

Tel. (949)(559-5003)  
Fax (949)(651-0280)  
Email: [wkent1@cox.net](mailto:wkent1@cox.net)

2007 JUL 14 5 2:39

June 8, 2007

Hon. Kevin Martin, Chairman of Federal Communications Commission  
and Fellow Members – Fax No. (866)(418-0232)  
445 12<sup>th</sup> St. SW  
Washington , D.C. 20054

Re: Broad Band Access

Dear Mr. Chairman and Fellow Members,

On Feb. 3, 20007, I wrote to you and you were kind enough to send this over to your Customer Services Relations. I am enclosing a copy of that letter for your consideration again.

In connection with the subject-matter of this letter, I would like respectfully to call your attention an article in the "The Legal Intelligencer" (Philadelphia legal paper for the Bar) dated May 9, 2007, where a federal judge certified an action against Comcast under the anti-trust laws for basically doing what I had basically complained against, viz., the "broad-band" oligarchs making private deals with other "broad band" providers to cut up the territory. "While the cat sleeps, the mice play," as they say.

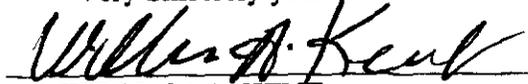
As a 15-year veteran of the Pennsylvania Public Utility Commission and a one time Hearing Examiner for the Cal. Public Utilities Commission, I have come to understand the behind-the-scenes machinations which go on.

May I be so bold as to suggest some kind of FCC hearing calling upon the various officials of Comcast, Cox, Earthlink, Warner-Times, AT&T, Verizon, and other major players in this area, to see what kind of arrangements, expressed, implied, or psychical, they may have had or made with one another about divvying up their respective territories for delivery of "broad band" services to the public. As I was an actual victim of what I believe was a similar case where I live, as set forth in my Feb.3rd letter, I believe this time-worn, deplorable practice is pervasive throughout the country.

I shall be happy to be of any assistance I can in helping to advance a free competitive market in the brand new world of "Broad Band."

WAK:wak  
cc Members

Very Sincerely yours

  
WILLIAM A. KENT

section. Someone in CC's San Diego office had a "chip" on his shoulder, and demanded full payment, regardless of the payments I had made. After seven months of back-and-forth bickering in spite of my documentary evidence, I reached the end of my tether and in 2003, I dropped CC for telephone service elsewhere. I went with Pacific Bell (later bought out by SBC) (later bought out by AT&T).

I was assured many times by CC employees that my debt with CC for the telephone bill was now washed out, i.e. written off, and that I was free to continue with CC with the other services. I religiously paid those bills as time went on.

Then on or about Jan. 31, 2007, without notice, forewarning, or other advance information, CC terminated my two remaining services during the mid-day. My wife was in the midst of taking an exam for her Master's degree in Accounting, and she was cut off in merciless indifference, which has now caused her, and indirectly myself, a lot of problems. All of my email has been shut off and I, probably, lost half of my small clientele.

What is strange is that throughout the years I had been continually contacted by CC over and over again to bundle up the telephone service with CC, to which I demurred, because of the lurking brouhaha I had with that prior problem. I was constantly assured that the account was zeroed out, that nothing was owing and that I should go back to Cox with my telephone service. I warily and, presciently, held back.

Now with my services terminated abruptly and without notice, I tried desperately to contact Cox to see what could be done to amicably settle the matter. These things occurred: (1) They have a ruthless telephone system which makes you wait and wait, listen to recorded message with interactive inputs of all kinds, and then you are asked to leave your number for someone to call back and which no one calls back, or if you do get through to someone, they say that cannot handle the matter and will transfer you, and no transfer occurs while you are kept waiting, until you are finally disconnected by the system, etc. The beat goes on.

(2). I dropped everything I was doing, briefs, court appearances, interviews, depositions, etc. and I traveled to the local office on Quail Hill street in Irvine advising each employee in charge what I was there for. Each time I was promised a call-back, but no call-back ever came. Marcos Marero, Deanne Watson, and several others could be mentioned. I reprised this about 4 times and each time I was told that they, the people in the office, could do nothing for me, that Credit Services must be contacted and they are the only ones.

CC maintains general numbers and you have go through the gauntlet to finally get somebody, whoever is near the phone, so to speak. The phone number for credit services again takes you through various recording hurdles with a request that you pay the total bill they claim is due and owing or leave your number and your call will be returned, which so far has not happened.

**COMPETITION:** Where is the competition? There is no competition. CC inherited the cable system from Home and converted it to "high-speed" internet., or "broadband." AT & T., Comcast, Microsoft (MSN) Earth Link, etc. etc. were contacted and declined service, either

cannot provide broadband or not provide it in Irvine. They all stated that the only one who could provide "broadband" service in Irvine, Ca. was Cox. This cannot be by anything but design. They [the non-existent competitors speak with one voice that they cannot provide broadband in Irvine]. Irvine is a very progressive and growing community in Orange County, doubling its size every few years.

"Dial-up" is the only thing available and that is about 20-30 times slower, plus it has the inconvenience of shutting off your telephone service while the computer is on. It is for most people, like myself, not a feasible alternative to broadband.

DSL, I am told, is also not available. We (my wife and I) contacted AT&T, Verizon, Comcast, Earthlink, to name a few, all said in unison that they cannot provide DSL in Irvine, that "that is Cox' territory," redolent of the O'Banion days, as to whose territory was the South side or the North side. Comcast takes care of Tustin. Cox has Irvine, someone else has Mission Viejo, etc.

**COMMENTS ON THE SYSTEM:** (1) While the Commission (FCC") believes that competition is good and a must for broadband, the fact is that there is no competition where I live and, if truth be known, perhaps, out of the hundreds and thousands of places where broadband is offered, most of the "territory," unbeknownst to the rest of the world, is actually divided up. Where is your competition now?

(2) **AT WILL TERMINATION WITHOUT FOREWARNING IS INVIDIOUS.** The California Public Utility Code provides for a "manager" to be appointed (that is someone above the manual level basis), to investigate the dispute, provided it is a bona fide, and make a report within so-many days, etc. All with the purpose of getting at the root of the dispute and with an effort to resolving it.

(3) **COX IS A MONOPOLY.** Should a monopolistic company have the power at will to terminate one's service(s) when there is a problem with a different service provided by it?

(4) **Does a telecommunication company forfeit its right to terminate other services when it continues with the customer in these other services for more than one or more than 2 years** or more than 3 years, etc?. Under California law a lawsuit on an oral contract is two years under the applicable statute of limitations and 4 years for a written contract. In this case, there was no written contract so that time period for collection of the debt expired under California law.

**SUGGESTIONS:** (1) I believe that the telecommunications company in the case of internet service should give forewarning of any termination; (2) That after some set period of time, they should be unable to terminate because of some disputed bill. (3) That they should only be allowed to terminate the particular service in which the complaint is made that there is a deficiency and not in the other, different services, which are kept up-to-date.(4) that some official kind of internal investigation should be conducted by someone above entry or ministerial level.(5) That more competition should be fostered in broadband areas, e.g. allowing license fees for other carriers and forbidding all expressed, implied or silent price fixing or territory fixing to go on.

# The Legal Intelligence

OLDEST LAW JOURNAL IN THE UNITED STATES 1843-20

PHILADELPHIA, WEDNESDAY, MAY 9, 2007

VOL 235 • NO. 90 \$3.00

## Federal Judge Certifies Antitrust Class Against Comcast

BY P. DUFFY

Staff Correspondent

A federal judge has certified a class antitrust suit against cable giant Comcast Corp. that the company set out to establish in the Philadelphia and Chicago markets to increase prices once it had eliminated competition.

The judge's opinion in *Behrend v. Comcast* was filed by U.S. District Judge John R. Padova. He certified a class of Comcast subscribers in the 16-county Philadelphia metropolitan area, including six Pennsylvania counties, and eight New Jersey counties.

Padova named two firms — Heins & Associates in Minneapolis and Susman, Godwin & Pines in Philadelphia — to serve as co-lead counsel for the class. Three other firms — Kilsheimer in New York, Kohn, Sussman & Tolson in Seattle, and Cohen, Kohn & Toll in New York — were named to serve on the plaintiffs' advisory committee.

Padova said the issue of whether to certify a separate class for plaintiffs in the Chicago area will

be decided later in a separate opinion.

The ruling could reverberate throughout the cable industry because the suit alleges that many of the big cable companies cooperated in carving up much of the nation into separate markets where each would be exclusive providers.

But Comcast is likely to take an immediate appeal — a move that could stall the suit for a year or more. Under a recently enacted amendment to Rule 23, decisions on class certification motions are immediately subject to discretionary appellate review.

The plaintiffs in the suit, a group of cable subscribers, claim that Comcast and its would-be competitors struck a series of deals in which they "swapped" assets and customers so that each company would have "clusters" of markets.

Plaintiffs' lawyers contend that the deals were designed to eliminate competition.

In the Philadelphia and Chicago markets, the suit alleges, Comcast succeeded,



PADOVA

through a series of swap agreements with AT&T and Adelphia, in establishing monopolies in the cable television and cable Internet service markets, with 94 percent and 92 percent, respectively, of the two markets.

Since then, the suit says, Comcast has used its monopoly power to raise cable prices in the Philadelphia and Chicago clusters to "artificially high, supracompetitive levels."

Comcast's lawyers moved for dismissal of the suit, arguing that the plaintiffs' theories were fatally flawed and that the case failed to allege any antitrust injury.

But in a decision handed down in September, Padova refused to dismiss the suit, finding that the plaintiffs have stated a valid claim that Comcast established a "horizontal restraint" — a term defined in antitrust law as "an agreement between competitors at the same level of the market structure to allocate territories in order to minimize competition."

The defense team — attorneys Darryl J. May and Jason Leckerman of Ballard Spahr Andrews & Ingersoll in Philadelphia, and Michael S. Shuster, Sheron Korpus and James T. Cain of Kasowitz Benson Torres &

Friedman in New York — argued that the plaintiffs cannot show that any of the deals was unlawful because each transaction was approved by government authorities at the federal, state and local levels.

Padova disagreed, saying "the mere fact that regulatory and law enforcement agencies may have reviewed and approved challenged transactions is not grounds for dismissal."

Instead, Padova said, courts have held that activities that come under the jurisdiction of a regulatory agency may nevertheless be subject to scrutiny under the antitrust laws, and that "there is no general presumption that Congress intends the antitrust law to be displaced whenever it gives antitrust regulatory authority over an industry."

Regulatory approval, Padova said, does not act as a bar to an antitrust claim "unless there is a plain repugnancy between the antitrust and regulatory provisions."

Now Padova has ruled that the suit should be certified as a class action and that the plaintiffs met all of the requirements of Rule 23 of the Federal Rules of Civil Procedure.

*Comcast continues*

ast

papers, both sides submitted. The plaintiffs' expert said Comcast has stifled competition among consumers in the Philadelphia and markets are now paying about 15 percent more rates than they would pay in a competitive market.

The expert for the defense was critical of the plaintiffs' expert, saying his analysis showed that all members of the class were similarly impacted by Comcast's actions and that the data was more compelling than the national average.

The defense team argued in its brief that

the plaintiffs failed to satisfy Rule 23's typicality requirement because the proposed class is simply too large and has diverging interests.

Plaintiffs who live near the former border of two competing cable systems, they argued, would have an incentive to emphasize that Comcast had eliminated a nearby alternative, while other plaintiffs who live nowhere near those borders could not benefit from that argument.

Padova disagreed, saying the typicality requirement bars only a "marked difference" between the class and the named plaintiff's individual circumstances or legal theory.

"Factual differences — such as living in the middle of a franchise area versus living near a border, or having your cable rate rise at a different rate than others — are insufficient to defeat typicality so long as there is

a strong similarity of legal theories and the named plaintiffs do not have unique circumstances," Padova wrote.

"We perceive no reason how living near a border can create antagonism between the named plaintiffs and the class when the plaintiffs do not themselves seek to differentiate their damages based on proximity," Padova wrote.

Legally, Padova said, the differences among the plaintiffs' damages claims is also no bar to certifying the case as a class action.

"Differentiation among cable subscribers subjected to anticompetitive conduct is no different, for example, from differentiation among the passengers on a doomed airplane. They all may have unique economic factors relevant to their damages, but they all have common causation questions," Padova wrote.

Although the expert reports address the issue of whether the plaintiffs satisfy the typicality requirement, Padova said it was enough that the plaintiffs were able to support their arguments.

"It must be remembered that it is not necessary at the class certification stage for the plaintiffs to establish the merits of their case. Nor are we conducting a merits analysis," Padova wrote.

"Comcast's arguments go to the merits and should be accorded [the opinion of the court], not to whether plaintiffs are able to state a common impact."

*(Copies of the 27-page opinion in Behrend v. Comcast Corp., PLIC 0704, are available from the Pennsylvania State Intelligencer. Please call the Public Access Instant Case Service at 800-222-7777 for order or for information. Some copies are available until 1 p.m.)*

**DOCKET WT 06-150, 06-169, 96-86 and PS 06-229**

8/17/2007 8:33:16 AM - Email Acknowledgement sent to jan3norm@hotmail.com.

jan3norm@hotmail.com wrote on 8/16/2007 5:20:39 PM :

Commissioner Jonathan Adelstein

Dear Commissioner Adelstein,

The airwaves belong to the public, not corporations like Verizon and AT&T whose anti-competitive practices have resulted in the U.S. falling to 16th in the world in high-speed Internet rankings.

To restore America's leadership in high speed Internet services, the FCC must ensure that the upcoming auction sets aside at least 30 MHz of spectrum for open and non-discriminatory Internet access. This will guarantee that new entrants have the opportunity to enter the market in competition with incumbent providers.

It would be a big mistake to hand over these airwaves to the very same phone and cable companies that dominate the wireline market. We need more competition and innovation, not more of the same. This new wireless spectrum must be open and neutral so that America can build a better Internet for everyone.

Sincerely,  
Janice Gilmore  
35882 Palomino Way  
Palm Desert, CA 92211

**DOCKET WT 06-150, 06-169, 96-86 and PS 06-229**

8/17/2007 8:40:50 AM - Email Acknowledgement sent to joseph.busby@thefis.net.

joseph.busby@thefis.net wrote on 8/16/2007 3:46:15 PM :

Joseph Busby  
3432 Balsam Drive  
Winter Park, FL 32792-2015

August 16, 2007

Deborah Taylor Tate  
Commissioner, Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Deborah Taylor Tate:

America's broadband Internet goals are going unmet and America's international position is rapidly falling. Many American families, schools and libraries cannot afford broadband and most of rural America cannot even get access to the broadband Internet.

Once online, many families are concerned about the growing threat to children of easily accessible indecent and pornographic material. And public safety organizations often can't work together due to incompatible data networks.

It doesn't have to be this way. I urge you to support the M2Z Networks ([www.m2znetworks.com](http://www.m2znetworks.com)) plan to put America back on the right track by providing 95% of America with access to a free, fast, and family-friendly wireless broadband Internet. It will make us safer. We will become more competitive. It will create equal opportunity. It will improve our great country.

Please support M2Z today.

Sincerely,

Joseph Busby  
407-782-3004

**DOCKET WT 06-150, 06-169, 96-86 and PS 06-229**

8/17/2007 8:39:34 AM - Email Acknowledgement sent to rzbaz@yaho.com.

rzbaz@yaho.com wrote on 8/16/2007 9:53:15 AM :

Rafael Baez  
17809 67 CT N  
Loxahatchee, FL 33470-3276

August 16, 2007

Jonathan S Adelstein  
Commissioner, Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Jonathan Adelstein:

America's broadband Internet goals are going unmet and America's international position is rapidly falling. Many American families, schools and libraries cannot afford broadband and most of rural America cannot even get access to the broadband Internet.

Once online, many families are concerned about the growing threat to children of easily accessible indecent and pornographic material. And public safety organizations often can't work together due to incompatible data networks.

It doesn't have to be this way. I urge you to support the M2Z Networks ([www.m2znetworks.com](http://www.m2znetworks.com)) plan to put America back on the right track by providing 95% of America with access to a free, fast, and family-friendly wireless broadband Internet. It will make us safer. We will become more competitive. It will create equal opportunity. It will improve our great country.

Please support M2Z today.

Sincerely,

Rafael Baez  
5617842721

**DOCKET WT 06-150, 06-169, 96-86 and PS 06-229**

8/16/2007 8:56:05 AM - Email Acknowledgement sent to deven1174@yahoo.com.

deven1174@yahoo.com wrote on 8/16/2007 8:04:22 AM :

Devendra Patel  
126 Tyler Ave  
Iselin, NJ 08830-2514

August 16, 2007

Deborah Taylor Tate  
Commissioner, Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Deborah Taylor Tate:

America's broadband Internet goals are going unmet and America's international position is rapidly falling. Many American families, schools and libraries cannot afford broadband and most of rural America cannot even get access to the broadband Internet.

Once online, many families are concerned about the growing threat to children of easily accessible indecent and pornographic material. And public safety organizations often can't work together due to incompatible data networks.

It doesn't have to be this way. I urge you to support the M2Z Networks ([www.m2znetworks.com](http://www.m2znetworks.com)) plan to put America back on the right track by providing 95% of America with access to a free, fast, and family-friendly wireless broadband Internet. It will make us safer. We will become more competitive. It will create equal opportunity. It will improve our great country.

Please support M2Z today.

Sincerely,

Devendra Patel  
732-636-7051

**DOCKET WT 06-150, 06-169, 96-86 and PS 06-229**

8/17/2007 8:32:59 AM - Email Acknowledgement sent to maggiemcokerell@ca.rr.com.

maggiemcokerell@ca.rr.com wrote on 8/16/2007 3:04:52 PM :

Commissioner Jonathan Adelstein

Dear Commissioner Adelstein,

The airwaves belong to the public, not corporations like Verizon and AT&T whose anti-competitive practices have resulted in the U.S. falling to 16th in the world in high-speed Internet rankings.

To restore America's leadership in high speed Internet services, the FCC must ensure that the upcoming auction sets aside at least 30 MHz of spectrum for open and non-discriminatory Internet access. This will guarantee that new entrants have the opportunity to enter the market in competition with incumbent providers.

It would be a big mistake to hand over these airwaves to the very same phone and cable companies that dominate the wireline market. We need more competition and innovation, not more of the same. This new wireless spectrum must be open and neutral so that America can build a better Internet for everyone.

Sincerely,  
Margaret Cockerell  
23900 Canerwell St.  
Newhall,, CA 91321

**DOCKET WT 06-150, 06-169, 96-86 and PS 06-229**

8/16/2007 2:58:08 PM - Email Acknowledgement sent to andres@purenova.com.

andres@purenova.com wrote on 8/16/2007 2:57:26 PM :

Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Federal Communications Commission,

The iPhone has set the stage for the future of mobile Internet -- but bad policies allow companies like AT&T and Verizon to shackle great gadgets to their closed networks.

To free wireless Internet, the FCC and Congress must use the 700MHz spectrum auction to create an open network that gives consumers:

1. The freedom to use whatever device we want on any network.
2. The freedom to choose among many providers in a competitive wholesale marketplace.
3. The freedom to access any content or services we want through our devices.

These true open access standards should apply to the entire wireless market.

Sincerely,

Andres Colon  
Zeus 58 Apolo  
Guaynabo, PR 00966

DOCKET WT 06-150, 06-169, 96-86 and PS 06-229

8/16/2007 7:35:43 AM - Email Acknowledgement sent to punklezgirl69@yahoo.com.

Punklezgirl69@yahoo.com wrote on 8/15/2007 7:20:48 PM :

Commissioner Jonathan Adelstein

Dear Commissioner Adelstein,

The airwaves belong to the public, not corporations like Verizon and AT&T whose anti-competitive practices have resulted in the U.S. falling to 16th in the world in high-speed Internet rankings.

To restore America's leadership in high speed Internet services, the FCC must ensure that the upcoming auction sets aside at least 30 MHz of spectrum for open and non-discriminatory Internet access. This will guarantee that new entrants have the opportunity to enter the market in competition with incumbent providers.

It would be a big mistake to hand over these airwaves to the very same phone and cable companies that dominate the wireline market. We need more competition and innovation, not more of the same. This new wireless spectrum must be open and neutral so that America can build a better Internet for everyone.

Sincerely,  
Celia P  
9131 corona st  
Thornton, CO 80229

DOCKET WT 06-150, 06-169, 96-86 and PS 06-229

mark@boilingh2o.com wrote on 8/15/2007 11:34:53 AM :

Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Federal Communications Commission,

The iPhone has set the stage for the future of mobile Internet -- but bad policies allow companies like AT&T and Verizon to shackle great gadgets to their closed networks.

To free wireless Internet, the FCC and Congress must use the 700MHz spectrum auction to create an open network that gives consumers:

1. The freedom to use whatever device we want on any network.
2. The freedom to choose among many providers in a competitive wholesale marketplace.
3. The freedom to access any content or services we want through our devices.

These true open access standards should apply to the entire wireless market.

Sincerely,

Mark Hubert  
3041 North Elbridge  
Chicago, IL 60618

**DOCKET WT 06-150, 06-169, 96-86 and PS 06-229**

8/17/2007 8:31:57 AM - Email Acknowledgement sent to drumhobo@sbcglobal.net.

drumhobo@sbcglobal.net wrote on 8/16/2007 11:02:03 AM :

Commissioner Robert McDowell

Dear Commissioner McDowell,

The airwaves belong to the public, not corporations like Verizon and AT&T whose anti-competitive practices have resulted in the U.S. falling to 16th in the world in high-speed Internet rankings.

To restore America's leadership in high speed Internet services, the FCC must ensure that the upcoming auction sets aside at least 30 MHz of spectrum for open and non-discriminatory Internet access. This will guarantee that new entrants have the opportunity to enter the market in competition with incumbent providers.

It would be a big mistake to hand over these airwaves to the very same phone and cable companies that dominate the wireline market. We need more competition and innovation, not more of the same. This new wireless spectrum must be open and neutral so that America can build a better Internet for everyone.

Sincerely,  
William Marcus  
690 A East Los Angeles Ave #1  
simi valley,, CA 93065