

On a consumer broadband service, the internet service provider (ISP or NSP) does not offer a dedicated connection. The connection offered is that described as best effort; a shared connection to the Internet for all its customers off that Node or POP.

The ISP/NSP should indeed spell out specifically its service in its Terms of Service (TOS) or contract to the consumer without false or misleading terms such as "unlimited". (Recent reports bring to light that Unlimited is indeed anything but, which has led the market to this time and place where regulatory guidance is seemingly required).

If spelled out specifically and without misleading advertising or marketing, any network optimization done by the ISP or NSP in order to insure equal and fair use of its network by all of its paying customers should be up to the network operator, not the FCC.

In any case where there is abuse or bending of TOS, it is clearly the purview of the FTC to hold the ISP's feet to the fire for false advertising. The failure in this case by the FTC has led us to this Petition for Declaratory Ruling regarding Internet Management Policies.

One point of clarification is that it is not regarding Internet Management because the Internet per se is unmanageable by any one ISP since it is really an inter-connected series of networks and autonomous systems working together. The management is of the Internet Provider or Network Providers own network leading to Internet egress. We are making a rule regarding network management, which I can see would lead to many possible harms. The best course of action would be to utilize proper advertising rules (already written) and enforce them.

Thank you!

Regards,

Peter Radizeski

RAD-INFO, Inc.