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RE: Proceeding 08-7

The special interests representing cable and telco companies have filed statements in this proceeding which assert that 'the Internet marketplace remains fundamentally healthy', which assert that network upgrades are 'needless and expensive', which characterize all P2P traffic as 'pirated music, video and software', and which strenuously maintain that selective throttling of network traffic is necessary for the Internet industry. I vehemently disagree on all of these points and would like to point out some facts in rebuttal.

1) Selective throttling of internet traffic is censorship.
Allowing any organization to choose what sort of information is permitted to cross the Internet effectively makes it a de facto censor of that information. No amount of word twisting or philosophical wrangling can mitigate this fact. Given the increasingly important role of the Internet as the conduit for news and information, this cannot be permitted as it violates the First Amendment of the U.S. Constitution which guarantees freedom of speech.

2) There is little competition in the market for high-speed Internet service in the United States.
I live in Los Angeles, CA. Despite the fact that this is one of the largest cities in the entire United States, there is only one Internet service provider who can offer download speeds greater than 1.5 Megabits per second in my neighborhood. Because of this, I have no option if I am dissatisfied with my service provider. I AM dissatisfied with my service provider, Time Warner Cable who purchased Adelphia several years ago. Adelphia provided better customer service and more reliable connections. I have wanted to change many times. Although AT&T offers high-speed Internet in my area, it is slower DSL service. Furthermore, in the past AT&T has required that I also obtain local phone service from them which I do not want. Verizon does not offer service in my area. When I asked why, I was told that my neighborhood is "AT&T's service area." My service from Time Warner lately has been exceptionally poor and I have wanted to change a number of times but have literally no other option. This can hardly be considered 'fundamentally healthy'. I can only imagine that the situation is worse in rural areas.

3) Internet traffic is growing exponentially.
It is widely known that Internet traffic is growing rapidly and that the size of files downloaded is growing ever larger. It is therefore incomprehensible that any ISP could characterize network upgrades as 'needless'. That these upgrades might be expensive could in fact be true, but cable and telco companies are hardly floundering. AT&T's profits doubled in the first quarter of 2007 (http://www.phoneplusmag.com/articles/798/74h2411432423386.html) and Time Warner's profits 'soared' upon the aforementioned acquisition of Adelphia according to the Washington Post (http://www.washingtonpost.com/wp-dyn/content/article/2007/01/31/AR2007013101948.html). We can surely expect Internet traffic to grow rapidly as downloads of video games and high-definition video through legal channels such as Xbox Live and Sony Home become more widespread. Whoever filed the comment from AT&T should be ashamed of themselves.

4) P2P the most effective way to distribute large volumes of legal of content.
I do not use BitTorrent or download pirated movies or music. I do, however, play certain games (e.g.,

World of Warcraft) that make use of P2P technology to distribute updates. P2P technology is used because it is the most efficient, effective, and elegant way to distribute large data files. To assert that all P2P traffic is pirated or illegal is just plain wrong and a distortion of the facts. Aside from legal game downloads, a variety of computer software (such as Ubuntu) can be found on P2P networks.

5) If telcos or cable companies are throttling traffic, they are potentially guilty of false advertising.
A reasonable person would expect that an advertised download speed of 3.0 Mbps would allow them to download any file at that speed, provided that the source file is available to their ISP at 3Mbps or higher. If the ISP significantly reduces the download speed of the file, the consumer has an average effective connection speed much lower than the advertised 3.0 Mbps download speed. This illustrates the need for a more transparent specification of the true download speeds offered by service providers in order to protect consumers against deceptive advertising practices. Currently download speed descriptions are effectively meaningless.

6) Fast, quality Internet access is vital to our nation's economy and technological leadership.
According to The Organisation for Economic Cooperation and Development, the United States is slipping in the international rankings of connected countries. We are 15th in high-speed Internet penetration. We are 19th in speed of Internet connections. Given that the technologies behind the Internet were invented in the United States, this is just shameful. In my opinion, it is beginning to be evident that Telcos and Cable companies are to blame for this. Something must be done.