

Comments in Docket 07-52 and 08-7, filed in both dockets pursuant to multiple docket procedures set forth by the Commission.

#### NET NEUTRALITY:

The phrase, 'net neutrality' has been discussed at length in a variety of forums and proceedings that are related to the two dockets referenced. A lot of things have been said about it, and some other issues have surfaced that make this more necessary in today's Internet and managing traffic.

One of the biggest things is that in the press over the years, and other commenters may or may not have alluded to this or provided other information, a good search on Google will turn up documents and news stories about this, is that some large companies have even discussed openly the desire to degrade traffic of some sites while favoring others, and enforcing that by requiring the payment of a 'toll' to that company to allow traffic to and from that website to proceed at peak speeds to and from any given user of that company's Internet connection service. Very major ISPs that are household names in the United States are said to have been involved in such a possibility. While it has not happened, or so we think, even the talk of such a scheme is possibly illegal to start with, and if not deemed so now, should be deemed illegal without further argument.

That is pure and simple racketeering in the sense that anyone in the public sees it. To favor say Yahoo over Google, or Newsweek.com over time.com, or any combination of sites over any combination of other sites would be considered racketeering if it involved degrading the access speeds to and from it.

It is OK to have marketing alliances, and cross promotions, but degrading one service to favor another is to be considered illegal at all cost.

It also violates applicable laws against restraint of trade involving Interstate Commerce. Almost anyone who puts something up for sale on the Internet, or offers a product or service for consideration of any kind, is engaging in Interstate Commerce as defined by the applicable laws. No company acting as an intermediary, whether it be a telephone company, Internet Service Provider, cellular provider, or any service that does now or will yet use the electromagnetic spectrum to provide Internet access, may not interfere with Interstate Commerce. I also note that the petitions in RM-11361 also address related issues, the favoring of some types of Internet access devices and software over other Internet access devices and software tools. Applying Carterfone in tandem with net neutrality is central to Docket 07-52 and 08-7 final resolutions, and it is requisite that the petition in RM-11361 be granted in order to resolve issues that will otherwise remain outstanding in these two dockets if it is not granted there also. That is the Skype petition.

'BUY-THROUGH' PROVISIONS - 47 CFR 76.921 and Docket 07-52 and 08-7.

Problems have arisen in a few cases, in particular in Provo Utah, where a City-sponsored if not owned fiber optic system has been built called 'iProvo'. Information can be found at <http://www.iprovo.net> although this specific information may be obtained from the City of Provo and the providers involved and which are listed at that website.

I learned in 2007 that in order to have iProvo Internet service, one would have to subscribe to either or both of two other services, cable TV or telephone service, and port my number there. This means that I would have to give up say DirecTV or a very good telephone service provider I have known as ACN whose customer service is top-notch and I am very satisfied with. iProvo cable does not have some cable channels due to the political leanings of City administrators according to rumors circulating around town, which all the other MVPDs have.

I talked to a rep at the FCC and was promptly denied due process and my complaint about this was not heard by anyone at the FCC except to dismiss it saying it 'does not violate 76.921'. It does, and the FCC as part of this proceeding, must ensure that one may buy any combination of cable or satellite TV, Internet service, and telephone services, from any combination of providers.

Providers would NOT be enjoined from offering discount bundles. Those are promotional packages marketed to attract customers. However what must be enjoined is any practice that requires the subscription or purchase of two or more of these services in order to have any one of them. Please consider this and place this in a rulemaking at your earliest convenience, in order to ensure a vibrant, unrestrained, competitive marketplace for Internet services to flourish in this small city, and everywhere else that could be affected by any other similar arrangements as well.

It will also encourage better pricing for broadband services, right now it actually costs more with iProvo than it does with Qwest in my area I have reason to believe.

The ruse given by the City of Provo and the iProvo partners was the cost in building the fiber network. Not true, TCI Cablevision of Utah built the first fiber network here, and it was done with only a minimum of expense in the end to the customers. Sure the bills went up slightly, but that was for double what previous programming was available. TCI merged into other companies, and is now part of Comcast.