

06/09/09

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: A National Broadband Plan for Our Future, GN Docket No. 09-51

Dear Ms. Dortch,

The Internet has become an essential part of life for millions of Americans, yet access to broadband speeds has been denied and/or made unaffordable for millions more living in rural areas, and areas of the nation with little competition. I live in the third largest city in New York State, Rochester NY, where we only have two choices for broadband service. They are Time Warner Cable and Frontier Communications. Time Warner offers a service that tops out at 10mbps. Frontier offers a DSL service that tops out at approx 3mbps, however, because I live on the outskirts of their service area, I can only get speeds between 500kpbs and 1mbps. While relatively happy overall with my Time Warner service and speed, a critical issue was exposed recently when Time Warner announced that they will be capping their service at 40GB per month, with grossly excessive overage charges if I went over this limit. The issue is that unless I am willing to settle for barely broadband speeds from Frontier, I would be forced to accept Time Warner's caps, and pay whatever they deemed appropriate. There are no other alternatives here. I have invested heavily in making my home internet connected, with movie downloading devices such as Tivo and Apple TV, media devices such as Slingbox which allow me to view my TV anywhere in the world, Internet Radio and Sirius Satellite devices which download content from online sources, Internet connected cameras, alarm system and VOIP telephone service. I also do significant work from home for my family's small business that would be drastically curbed if these caps were put in place. Time Warner's planned capped service was put on hold by the company after a huge public outcry. The cities that they had decided to "test run" this in, were all cities like Rochester NY, that had limited or no competition for broadband service. I am confident that if Verizon FIOS or ATT UVerse were in the area, Time Warner would never have proposed these!

the caps. It seems plain to me that Time Warner knows that people are downloading content online more and more, and are trying to bully their customers into curbing their Internet usage, in favor of their own Video On Demand and VOIP products. We deserve an open internet that is not capped or curbed. I fully support a company's right to charge whatever they see fit to maintain profit margins and support network upgrades, however these companies have an effective monopoly, from which its customers obviously must be protected. Time Warner's own financial reports show that the cost of delivering broadband is declining, and the cost of maintaining and upgrading their network is marginal. Time Warner should not have the right to charge whatever it wants, while there are no other options for its customers. This is not allowing market forces to take

effect. It is critical that the FCC step in and break up the cable company's and phone company's local monopolies and allow broadband competition. This would ensure that companies offer reasonable prices!

, upgraded networks and open access to all. Also, local municipalities should be allowed to start up and operate their own municipal broadband networks, if they so desire.