

I am submitting the following comment regarding the matter of preserving the open Internet. GN Docket No, 09-191, WC Docket No. 07-52:

The Internet is highly competitive. Traditional phone and traditional cable companies have been locked in an intense struggle to win customers, and wireless is rapidly becoming another viable alternative to wired broadband connections. If a private company blocked or censored Internet traffic maliciously it would lose its customers. If government exercised control over the Internet, there would be no place to turn.

The envisioned burden of proof for requiring network management practices is unreasonably restrictive and will prevent business models that may be economically efficient. This will impose uncertainty and create litigation risks. Such restrictions would lower the rate of return on investments in building network capacity to the point that some of those investments would no longer make economic sense.

The Internet would then either remain crippled or be rescued with taxpayer subsidies, which would inevitably bring government control and politicization along with government ownership. Indeed, this public utility model is the desired outcome of many proponents of regulation, including former White House adviser Susan Crawford and Free Press founder Robert McChesney.

Such a transformation of the Internet into a government-controlled public utility is a major policy change that should be debated in Congress, the legitimately elected legislative branch of government. The Commission should not on its own set into motion regulatory changes that will force us down this path.

I am especially concerned that the Commission is already contemplating Internet content restrictions, such as the suggestion under paragraph 77 of the NPRM that the Commission may ultimately be the arbiter of which competing interests should be prioritized.

Advocates of so-called net neutrality have been ringing alarm bells now for so many years (starting with the November 19, 2002 letter to the Commission from the so-called Coalition of Broadband Users and Innovators) that their claims should be heavily discounted. In the absence of concrete evidence of discriminatory or anti-competitive behavior, there is simply no rationale for imposing new regulations that could have the effect of slowing down the great engine of innovation, growth, and expression that the lightly regulated, competitive Internet has become.