

The issue of access to internet bandwidth not biased by questions of private business arrangements between service providers and content providers is crucial to the public interest of the people of the United States. By way of introduction I have been using the internet since 1988 and have 20 years' experience with common networking technologies working both as an administrator and a software developer in private industry. I write to you representing only myself as an individual. I suggest there are several salient points to consider in regards to the question of network neutrality:

* Internet access is fast approaching the status of telephone connectivity for the US public - having it will soon effectively be a requirement for daily life, both for business and for acting within the public arena, as citizens of a democracy. Those who do not have utility-quality access to the internet will be socioeconomically disadvantaged relative to those who do, and such a gulf will only grow over time.

An aspect of this ubiquitous need for access is that the connectivity offered needs to be unbiased with regard to content (apart from unlawful expression). Effectively filtering content presented at the access point based on private business arrangements or policies not based on technical need denies the public the full power of this medium.

* The internet was originally developed using public funds, for national strategic purposes. It is a resource funded by the people, and to be blunt, private industry has not shown itself capable of producing the caliber of technological innovation which underlies the internet, unless it is given public monies to do so (i.e. unless it is relieved of competitive constraints against investment in long-term results). The fact that the internet is now largely owned and operated by the private sector is not a result produced by the private sector; rather, they have effectively been given the role of steward by virtue of devolution of control of the internet from the US public sector to them.

Until the private sector demonstrates, particularly by investment, that it understands its responsibility to sustain and advance the internet as a public resource, it needs to be regulated as all other utility providers are. The internet is rapidly becoming a core venue for both economic transactions, and for civic discourse, and thus in order to sustain our democracy and nation in this new time, private profit must be subordinated to the public interest in the online arena.

* When the broadband market first started becoming a mass phenomenon with the advent of ubiquitously available cable internet, it was clear that the major players in the market were traditional media actors, and that they perceived rightly that their primary opportunity for profit in this new medium lay in content provision rather than service provision. I suggest that public demand has prevented them from abandoning content neutrality to date, and that their desire to repurpose the internet into serving first as a channel delivering their own high-profit content has thus been frustrated.

Their response has been on the one hand to attempt to offer such content as a benefit of purchasing their service provision and on the other, more recently, to attempt to throttle other content not originated by them which would compete for bandwidth. Hence we have first attempts at tiered service pricing etc.

I suggest that if we agree that the internet is a public resource and that this aspect of its character takes priority over private profit, then the future that confronts large service providers who aspire to make larger profits via content provision, is that the content provision aspect of their business may only take place after they have ensured the viability of the service provision aspect of it, rather than to the detriment of said service provision. If we want a historical analog, we need only look to traditional telephone providers, which while highly regulated have nevertheless managed to create near-monopoly conditions in their markets and are among the strongest businesses in the American economy. There may be some initial disappointment at not being able to maximize private profit with this public resource that the private sector has acquired, but that is the nature of life in a democracy where the public interest is paramount, and today's internet service providers can instead reap the benefits, economic as well as "mind share", which I suggest traditionally accrue to private providers of public needs in this nation.

* On a technical note, it is obvious that there are simple rules of physics bounding the capacity of the nation's internet physical plant at any given time, and that new forms of online content, from whatever source, have the capability to exhaust that capacity and are in some cases currently threatening to do so. Such a situation puts a service provider in a position where it is not their profit that is threatened, but the simple viability of their business, and it is perfectly reasonable to institute well-formed solutions to the problem

which effectively make high demand for capacity, cost more.

I suggest that tiered pricing is first a technical problem involving equitable measurement of demand and equitable tiering of charges in response. If the problem is approached in this way, as so many others were on the way to giving us the internet we have today, then a solution will be produced to the very real objective problem of demand exceeding capacity, which will be equitable for consumers and service providers alike. (The second part of the solution is ensuring, or probably requiring via regulation, adequate investment by service providers in their physical plant to keep capacity ahead of demand in the long term. The two go hand in hand.)

I must note that the problem of demand exceeding capacity is an objective one, and is not an opportunity to introduce false solutions based on content control by service providers. The issue is quantity of content, not what the content is, and giving service providers the opportunity to exclude content which is not theirs will simply mean that their content exclusively will be clogging the pipes - problem not solved.

My sense is that the FCC has in many ways led the way for government, particularly at the US federal level, to come to terms with the implications the internet holds for legislation, policy and governance. The FCC's support for net neutrality has been laudible, and the only appropriate position to take. I hope that the Commission will continue on this line.