January 12, 2009

Dear FCC,

I am writing to share my opinions on the Notice of Proposed Rule Making issued on October 22, 2009.

As a US citizen living and working in Hong Kong, I believe I have a unique vantage point to share concerning the competitive nature of the technology industry—and of small and medium sized business in particular.

I am the Chief Strategy Officer of Telerik, a leading vendor in .NET components. I sit on the board of several start-ups including Triton Works and I am a certified scrum master. Prior to this role I was the Chief Technology Officer (CTO) and co-founder of Corzen, Inc, a New York based provider of online market research data for Wall Street Firms. Corzen was acquired by Wanted Technologies (TXV: WAN) in 2007.

I am also the Microsoft Regional Director for the NY Metro region and I speak regularly at industry conferences around the world. I have written several books on application and database development including *Programming SQL Server 2008* (MS Press). Prior to Corzen, I served as the CTO of Zagat Survey in New York City and also was co-founder of the New York based software consulting firm The Aurora Development Group. I am currently an MVP, INETA speaker and the co-moderator and founder of the NYC .NET Developer User Group.

I understand what the FCC is trying to do with the four primary principles outlined in the document. Of course I agree that the Internet should be open and accessible. Where I would like to ask the FCC to go slowly is in the actual limiting of a company's ability to work to have a preferred access to the internet. Corzen would have suffered from the proposed regulations; we purchased premium high speed bandwidth.

I am most concerned about the unintended consequences that could be created as a result of overly burdensome regulations.

I think that the language you use in describing some of the challenges is right on the money and although the paper argues compelling reasons to overlook this I would urge great caution. You rightly show that opponents to the proposed rule point to differentiation in pricing being a tool that might support innovation; that pricing signals from platform providers could benefit consumers; that charging service providers may be necessary to recover costs. I totally agree that benefits can arise from price discrimination in some circumstances. In capturing the arguments that would be lodged against the proposed rules, I think you have highlighted some important areas that do indeed resonate with me.

In an environment where all applications are equal, what incentive would there be to create newer and more robust tools to facilitate the transfer of information? In some instances the ability to differentiate between services (and thus fees) relies on the ability to discriminate based on fees. Here in Hong Kong the tiered pricing exists and works.

Working here in Hong Kong with the background I have in the US technology industry makes me especially proud that US business enjoys the entrepreneurial incentives that a free market allows. Sometimes one of the most important tools is to be able to carve out a unique area for the new group by price and quality—and I believe that the language of this Rule would interfere with that purpose.

If I may be of any further assistance please do not hesitate to contact me.

Sincerely,

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