

To Whom This May Concern At The FCC,

Whatever court ruling is decided in the case between the FCC and Comcast even if a disappointing ruling is made against the FCC the FCC can reassert its authority on its own and avoid losing authority by reclassifying broadband as an information service with a telecommunications service giving it the same authority to regulate broadband as they have for phone service and there is nothing the court could do at present to stop them from doing so.

However, the FCC has to reclassify broadband in this way to protect its authority. That is even after a court ruling is made even if it favors Comcast if the FCC were to reclassify broadband as suggested it need not lose authority to regulate the Internet. We need a federal agency tasked with this job and Congress intended for the FCC to have this job under the 1996 Telecommunications Act. It is now time for the FCC to act with conviction, reclassify broadband and assert its authority in this way to protect users or risk losing relevancy.

After all the big telecom and cable companies want a toothless FCC legally incapable of and unwilling to protect users. Net Neutrality is supported by the conservatively religious Christian Coalition despite the right wing media smearing Net Neutrality even on the right there are supporters of Net Neutrality. On the left there are groups supportive as well of Net Neutrality like The American Civil Liberties Union (ACLU) i.e. [www.aclu.org](http://www.aclu.org), the liberal and progressive Moveon.org, etc and there is the media reform group Free Press.Net.

So don't listen to corporate shills trolling the OpenInternet.gov forums (at [openinternet.ideascale.com](http://openinternet.ideascale.com)) -- there may be some honest critics concerned with too much government regulation but those like one user ironically calling himself or herself openinternet and advocating to give lobbyists more voice has exposed himself/herself as a corporate shill.

Whatever the courts rule in the case between the FCC and Comcast even if Comcast wins in court the FCC can reclassify broadband and thus continue to assert its authority to protect users -- by bringing broadband under the same regulatory framework as phone service -- the FCC is well within its rights and powers to do this at any time and the courts in this case can only rule if the FCC under the FCC's current definition of broadband (changed during the Bush years from an information service with a telecommunications service to tragically be purely an information service) inherited from the Bush Administration that changed it while in office --- has the legal authority to regulate broadband.

If you reclassify broadband to extend your authority to regulate phone service to broadband that can and likely will work. At this time the U.S. has been progressing fortunately toward restoration of Net Neutrality rules ditched by the Bush FCC in 2005 while Canada is lagging behind in acting. Efforts by

consumer groups in Canada and consumers there is also under way but the Canadian government has taken no action to protect and preserve Net Neutrality. Do not allow us to go backward -- do not allow a court ruling to weaken the FCC and deter you from protecting Internet users. A federal regulatory agency to protect Internet users is essential -- the big telecom and cable ISPs want to change the law to suit their own special interest needs over the public's. If not the FCC then some new agency needs to be created to protect Net Neutrality but the FCC is the best agency to do this and was intended by Congress under the 1996 Telecommunications Act to do so.

We need the FCC to investigate and punish wireless carriers censoring text messages from groups they may dislike (case in point Verizon Wireless blocking NARRAL (spell check) text messages or Sprint blocking text messages to help the Haiti relief and recovery effort), to protect Net Neutrality, extend Net Neutrality to wireless carriers and impose wholesale open access so consumers can use any cellular phone with the wireless carrier of their choice -- thus choosing a carrier based on the merits of its service not what phones it offers.

We need a strong, independent FCC to act as a regulatory agency that protects consumers. We need policies to promote and encourage competition and more affordable prices. Mandate competition when needed and decrease when possible -- at no time though even when deregulating should we have no regulation -- pro competitive regulations to ban anti competitive, anti consumer unsafe mega mergers should remain in effect always but other Internet regulations in a more competitive broadband Internet access market can be relaxed. Now is not the time to do any deregulation though -- the market is not competitive enough for that. We need increased regulation.

We need free market capitalism -- not crony capitalism where business and financial monopolists control markets (or casino capitalism where financial companies gamble and act like casinos as they did before September 2008) -- where markets are closed to new competition etc but free market capitalism with free and open markets. A free market dictates choice and choice requires there be plenty of competition in a market. Therefore, the absence of any government regulation does not automatically make markets free they must be open to competition -- the current broadband Internet access market is a duopoly of incumbent big cable and phone company ISPs.

Some special interest groups might suggest imposing Net Neutrality would harm efforts to close the Digital Divide -- but that's a fabrication. It is the incumbent's own policies and those of the Bush FCC that have caused the Digital Divide to develop.

Let us not forget that when former President George W. Bush entered office in January 2001 and broadband was defined as an information service with a telecommunications service that his Administration had inherited a National Broadband Plan from the Clinton Gore FCC and as a nation we were ranked 4th in the world in terms of broadband Internet penetration. Thanks to his lousy

policies of complete deregulation and zero consumer protections we have ended up by some measures much lower now -- in 2006-2007 we were ranked 16th or 17th in the world in terms of broadband Internet penetration and today depending on which numbers you use we could be 26th, 28th or even 30th.

People who do not have broadband Internet access yet do not have it because they are either priced out or mapped out of the market. We need to ensure there is sufficient competition and affordable prices for access.

The Internet is a public work -- it originally grew out of government computer networks like ARPANET and DARPA that the Defense Department developed. It is a public utility as essential to the American way of life today as electricity. We should all be able to have equal, affordable access to the Internet with no unnecessarily low bandwidth caps. Cable company ISPs should not be able to subsidize their digital cable TV services by bundling it unnecessarily with their Internet service. If a consumer wants to sign up for both by 1 provider and bundle the two that is the consumer's choice but the consumer should not be coerced or feel pressured to do so.

Cable company ISPs should not be able to institute schemes like TV Everywhere to shut out competition from online video on demand services or Internet Protocol Television ("IPTV") services to their digital cable TV business. As such incumbent phone company ISPs should not be allowed to discriminate against VOIP services.

Comcast has engaged in plenty of anti competitive behavior and unethical behavior -- not only did they attempt to block Bit Torrent back in 2008 and the Bush FCC did the right thing in penalizing them for it at the time but they did so deceptively. They tried to hide the fact they were doing so from the public and the FCC. When the public got to know what they were doing a complaint was filed with the FCC. The FCC investigated, found Comcast guilty and penalized them. Comcast reacted though by filing suit against the FCC.

Comcast has been in the news a lot lately over their proposed merger with NBC Universal which would be a much bigger conflict of interest for them than the one they already have -- allowing a company that owns the pipes to distribute content over digital cable TV and/or Internet services to own the content flowing through it is cause for concern.

As such I've filed comments in the FCC docket on this issue against the Comcast NBC Universal merger. Comcast says they are not making enough money to invest in higher speed networks but made millions of dollars last year which they used for lobbying expenses to convince Washington to change laws that protect the public to suit Comcast's own interests.

Every time a transformative technology has emerged in the past with the power to give a voice to the voiceless there was a great moment of hope -- we saw it when radio was invented in the 1920s, television in the 1950s, cable television in the 1980s. Each time media moguls have sent their corporate lobbyists to Washington D.C. to co-op and monetize these technologies before they get off the ground. Each time our best chance to reclaim the media for the public was sacrificed to corporate power -- decision makers behind closed doors made laws in our names that were killing the dream.

However, with the Internet we have a tool that not only speaks truth to power but protects truth from power. We can use the Internet to save the Internet that is why I've signed up at [SaveTheInternet.com](http://SaveTheInternet.com).

Every time debates over what to do with new technologies that can encourage massive public participation and empower democracy come up our nation's leaders in Congress and the FCC have had the choice to protect these technologies and keep them open and competitive for the public or allow total corporate control. Unfortunately, the latter has always been chosen but this time the FCC and Congress can get it right and protect Net Neutrality thus mandating nondiscrimination. The FCC can require all ISPs practice reasonable network management.

This is a matter of digital civil liberties -- before 2005 with Net Neutrality not under threat and firmly in place as law no ISP dared to attempt to discriminate and tamper with web traffic, content or services but today that is changing as Net Neutrality's future hangs in the balance our nation's public servants should be sworn to defend it.

The radio dial today does not have sufficient independent and diverse voices. The corporate news media does not have enough diverse voices either and public broadcasting continues to be threatened with cuts. Now is the time to side with the public and protect the Internet by keeping it open, democratic and nondiscriminatory -- save the Internet while we can.

In 2008 Comcast tried to stop citizens from attending a public workshop/town hall style public hearing event on Net Neutrality by bribing some people unaware of what the event was about to fill up seats and hold them. That was wrong!

The Internet is far more interactive and welcoming than other technologies. The Internet allows dissent -- plenty of public domain material is available on the Internet. As the FCC works toward crafting Net Neutrality rules though the FCC must tread carefully on the issue of protecting users wishing to access legal content and services -- to ensure this does not leave a copyright loophole for the RIAA or MPAA to force ISPs to act as copyright cops and shut down users sharing digital

collections of music, movies, TV Shows and other files. The Internet the MPAA and RIAA fear because its so open can become an electronic library for sharing cultural works in a digital world over peer to peer file sharing networks etc. The copyright owners sole interest is in maximizing profits for themselves and their shareholders/investors.

While I'm willing to respect copyright the copyright czars have to respect consumer's fair use rights to time shift and place shift content. Frankly, I am a big believer and supporter of libraries and while I'm willing to purchase content I want to own legally do support sharing cultural works -- as in borrowing from one person to another etc and if I like them enough can buy said content.

I hope the FCC will re-institute common carrier regulations on broadband ISPs and if needed collaborate with the Federal Trade Commission (FTC), and Department of Justice (DOJ) on antitrust enforcement actions to breakup incumbents with duopoly power -- separating AT&T again -- should never have been allowed to re-merge during the Bush Cheney years with SBC Communications and/or Bell South.

Nor should AT&T Wireless have been allowed to merge with Cingular Wireless. Also, only after public pressure and government intervention did AT&T Wireless allow Skype's VOIP mobile application for iPhone to work over their 3G network -- before it was restricted to Wifi not because it was technically incapable of working over 3G but AT&T purposely blocked it over 3G for anti competitive and anti consumer reasons. Imposing wireless net neutrality and wholesale open access -- extending the benefits of Carterfone ruling which led to the innovation of the fax machine to the wireless world could have many benefits with consumers free to choose their phone and service provider of their choice.

We need FCC action on unnecessarily high and excessive hikes in early termination fees - to stop overcharging by wireless phone carriers for their voice and data services -- to stop them from overcharging us from canceling a contract to switch to a better provider -- even if ETFs are to be maintained they should not be so excessive to discourage and prevent massive defections of mobile users.

We need a strong, independent FCC as a regulatory agency that protects users. Just as we expect the EPA to do its job it was tasked with in protecting the environment by enforcing environmental regulations even in the face of EPA critics wanting the EPA to rubber stamp policies favorable to polluters and be stripped of authority to hold polluters accountable (things the EPA was created to be able to do -- they were intended to have this authority and are attacked when they try to use it to do good) we need the FCC to do its job as well and protect the Internet for users. It is our Internet after all not their's -- by theirs I refer to the corporations.

Please continue to craft Net Neutrality regulations and work toward implementation of the new

National Broadband Plan.