

o Whom This May Concern At The Federal Communications Commission;

I applaud Chairman Genachowski for his proposed reclassification of "broadband" as a Title II telecommunications service to preserve and enshrine Network Neutrality rules of nondiscrimination in telecommunications law as the law of the Internet so digital communications networks may remain open and nondiscriminatory. I also applaud the Chairman and Commissioners Copps and Clyburn for voting in favor of a Notice of Inquiry for broadband reclassification and seeking to move forward with the reclassification proposal to re-establish FCC authority over broadband.

It is absolutely vital that the future of communications networks be open and nondiscriminatory. Congress intended for the FCC to reclassify broadband when it passed the 1996 Telecommunications Act -- in fact Congress intended for the FCC to implement line sharing regulations for phone companies on the Internet as well. The decision to regulate now is to re-regulate broadband to protect consumers and keep the Internet free and open to the public.

There is a lot of misinformation right now by corporate special interests and astroturf groups they've funded who falsely are trying to pretend they represent the public interest and lobby against rules. The broadband companies will have us believe Network Neutrality is a solution in search of a problem, and a government takeover of the Internet which is absurd. In fact, the AT&T funded group Americans for Prosperity started a \$1 million ad blitz in response to the proposed broadband reclassification to try to spread the lie of a government takeover of the Internet.

The fact is this broadband reclassification is needed to better protect consumers, re-establish FCC authority undermined by the FCC itself during the Bush Cheney years, maintain the Open Internet and implement The National Broadband Plan.

Also government originally created the Internet -- the Internet we knew today started out as a collection of public networks established by government as well as educational institutions. The Internet we know today grew out of government Department of Defense projects like ARPANET. It is vital we keep this democratic medium open to the public. Mandate openness and nondiscrimination to stop giant corporations from becoming corporate gatekeepers and blocking the free flow of communication and information online. We cannot allow these giant communications networks that today have a duopoly on the national high speed

Internet access market to prioritize content and other forms of data on the Web, to block or slowdown connections of web users - that is to block or slowdown web traffic as they wish to websites that offer competing services to other services by an established ISP.

Telecom companies in the broadband market with DSL lines should not be allowed to block "Voice Over Internet Protocol" or ("VOIP") services from running freely over their network. Without Network Neutrality ISPs could filter and prioritize/discriminate against specific web content and applications over other content/applications -- they could become corporate gatekeepers in this way and establish a fast lane for users willing to pay more and anyone unable to afford to pay more will be restricted to a slow lane. No fast lanes for them and slow lanes for us. Put a people powered Internet first.

Often industry likes to say trust us we can self regulate that is police ourselves but it is not in a monopolist's interest to not act monopolistic. We've tried this before and deregulation has been more harmful than helpful to our economy -- deregulating the financial industry and ending Glass Steagall allowed the entire financial industry to become a Ponzi Scheme and for Wall Street to recklessly bring the economy down causing The Great Recession of December 2007 -- which led to the financial crisis of September 2008 at which point the financial industry needed taxpayer bailouts to survive.

Deregulation of the oil and natural gas industry and lax enforcement of regulations has paved the way for the BP Gulf of Mexico Oil Spill. AT&T and the big communications companies may claim its not in their interest to discriminate and to censor individual free speech online -- (free speech is guaranteed to individuals under First Amendment to U.S. Constitution) and they may claim if they try to do so consumers would switch to another provider -- in today's anti competitive, anti consumer duopoly market though that is highly unlikely.

The fact is open and universal access to communications can vastly benefit the public. The Internet has been so successful already because of its openness. Without Net Neutrality the founders of Twitter would have needed permission to innovate. Without Net Neutrality the future Google's and Yahoos of the world would need ISPs permission.

All legal, safe web content and services should be freely accessible to anyone with an Internet connection.

In addition to restoring FCC authority to enforce Network Neutrality rules on fixed traditional wire-line broadband providers (typically phone company DSL and cable company cable modem) with broadband reclassification as a Title II telecommunications service the FCC's Net Neutrality rules should extend to the wireless market that is currently an anti competitive oligopoly. In the FCC's Carterfone ruling more than 2 decades ago the FCC set a positive precedent for consumers enabling open communications over traditional wire-line phone networks. The FCC mandated wholesale open access and consumers greatly benefited from this -- no longer could there be exclusive lock-in in the wire-line market. The Carterfone ruling paved the way for the creation of the fax machine -- an innovation that would not have been possible without the Carterfone ruling. Carterfone allowed consumers to pay the wire-line phone of their choice. AT&T couldn't dictate anymore what phones worked over their wire-line network.

As a result of the Carterfone ruling and the breakup of AT&T's Ma Bell system the long distance wire-line phone market became more competitive -- and new competitors prevented from entering the market by the giant AT&T's abusive tactics were able to enter the market and establish themselves once the Baby Bells were spun off.

The breakup of AT&T's Ma Bell and spinning off of Baby Bells had a positive effect for consumers. The allowed unfortunate re-merger of AT&T with SBC Communications & Bell South to put Ma Bell back together during the Bush Cheney years though has been damaging to competition and consumer choice. During the Bush Cheney years a wave of anti consumer and anti competitive mega mergers were allowed. Companies like AT&T which promised to do universal broadband deployment and be competitive when allowed to merge broke their promises to do so.

Reclassifying broadband a Title II telecommunications service will enable the FCC to regain regulatory authority to protect the Open Internet and implement The National Broadband Plan it was directed to develop by Congress when they passed and President Obama signed last year The American Recovery & Reinvestment Act.

So Network Neutrality rules of nondiscrimination need to be restored to mandate openness and that broadband providers must practice reasonable network management. Network Neutrality rules for traditional fixed wire-line broadband service should be preserved and should be extended to wireless phone carriers. Also wholesale open access rules imposed by the FCC on wire-line services in Carterfone ruling should extend also to wireless. I'll provide my reasoning below.

Currently, the wireless phone carriers make their own rules and have exclusive lock-in agreements -- they can cherry pick which mobile phones or Internet enabled devices they'll allow over their network. For consumers this means when buying an iPhone you don't have the freedom to use iPhone with the carrier you want in the U.S. Here if you buy iPhone you have to use it with AT&T. You cannot choose your phone and carrier independent of the other and thus be able to use the phone of your choice with the carrier of your choice -- through excessive early termination fees the carriers also discourage users from getting out of a bad contract to find a better service.

Consumers should be able to choose their carrier based on merits of service not which carrier offers which phone. As consumers we should also be able to run the mobile apps of our choice over our carrier's 3G or upcoming 4G wireless networks. This means AT&T cannot be allowed to block VOIP mobile apps from being used over its cellular phone network to make phone calls. Just because AT&T sees Skype as a competitor does not mean it can block competitors from accessing its network. This is akin to Microsoft preventing rival companies from developing software for Windows PCs -- for instance Microsoft's trying to block Netscape's web browser from running in Windows because Microsoft sees Netscape's browser business as a threat to Windows.

Network Neutrality has support among independent musicians as such The Future of Music Coalition which represents interests of indy musicians supports the Open Internet and Net Neutrality rules to keep the Web open. The group Americans for the Arts which represents the interests of artists, and the arts in general (think visual arts and galleries, think fine arts -- theaters) also supports the Open Internet as does the ultraconservative and religious Christian Coalition and a number of progressive and liberal groups like the American Civil Liberties Union (ACLU), the Electronic Frontier Foundation (EFF) which supports Net Neutrality rules without unfair and unnecessary copyright exemptions -- a group that also does not want government to censor free speech online, Free Press a media reform watchdog group supporting universal and open access to communications, Google the search engine company, and a number of individuals, nonprofit groups, and tech companies support the Open Internet.

It is vital thus we keep this public work open and in the public's hands. Today's Internet is a collection of private/public networks nevertheless the Internet belongs to us as individuals as does the media. We need to reclaim the future of the media for the public. Every time a vital and transformative technology would develop in our country with the power to give 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 lobbyists to Washington to co-op and monetize these technologies before they get off the ground. Each time the public had no idea laws were being passed in their name behind closed doors killing the dream. Each time a technology developed that when left opened had the potential to encourage massive public participation it was sacrificed to corporate power and became a closed proprietary medium.

Now the best case scenario for preserving Network Neutrality -- broadband reclassification aside (which I do so strongly support) broadband companies should be divided along the following lines -- Service Providers (data pipes only) and Application or Content Providers. Companies offering broadband service can be classified as service providers. Companies offering web content/applications or services can be Application Providers. High speed Internet service (a service thru which you can access the Internet -- as such service is used to do so) should be classified a Title II telecommunications service whereas electronic services like E-mail, Instant Messaging (IM), or Voice Over Internet Protocol ("VOIP") available online with high speed Internet service while they enable communication can remain classified as Title I information services.

As such Comcast's takeover of NBC Universal should be rejected as NBC Universal is a content company. Schemes by Comcast like "TV Everywhere" to put online video content behind a pay-wall and force users to have digital cable TV subscriptions to watch video online is anti competitive, anti consumer, monopolistic and should be disallowed in Network Neutrality rules. Cable company ISPs should not be able to subsidize their Internet business with digital cable TV and stifle, block, slowdown access of web users to competing, more affordable or even free Internet Protocol Television ("IPTV") services. Neither should a phone company ISP be permitted to mess with VOIP services online.

Likewise, its worth noting when speaking of Microsoft or Micro\$oft which tried to defend its Windows Operating System (Windows OS) desktop monopoly in the 1990s and its Applications Barrier to Entry from Netscape in an anti competitive and monopolistic manner that Network Neutrality should apply equally to all businesses on the Web. If the ISPs traditional fixed-wireline and mobile broadband

providers must comply with Network Neutrality as they should be made to do so then so too should Microsoft and Apple. They should not be able to bend the free flowing Web to their dominion -- that is they should not be able to restrict and reshape the Internet according to their will.

The contributions Apple has made online via iTunes, iTunes Store, etc have been good -- however, its worth noting iTunes Store and Apple's App Store for iPhone/iPod Touch/iPad represents a walled-garden. The iPad while an Internet enabled mobile tablet device is restricted in how it can access the Web. The worst thing about Apple's App Store is even when they approve an app if they change their mind they can later reject it and pull an app from their App Store at any time for any reason. Apple blocked Google's Google Voice app from App Store -- a VOIP app citing consumers may be confused with the app for duplicating iPhone functionality despite approving other VOIP apps.

Also, unless a user of one of Apple's iOS based devices jailbreaks the device the user can only run apps from Apple's App Store -- for the most part -- Apple does not allow competing App Stores to distribute apps to its iOS devices. In fact Apple does not want anyone to be able to jail-break. So if you own an iOS device and want to install an app on it you can only get that app if Apple approves it. You can't go to a third party to get apps that easily. Apple's App Store is the only allowed app store on iOS devices for consumers to use. Apple can even reject previously approved apps which can be frustrating. Once I bought an app Apple approved only to have them later reject it and remove it from App Store. Now when an iOS firmware update comes out that breaks compatibility with this app I can't even update the app to work with the new firmware.

Apple is the gatekeeper of the App Store. Recently, with the launch of their Safari 5 web browser Apple added a new feature called Safari Reader to view webpages free of advertising and unwanted additional material -- web advertisers of course wouldn't like this but on Apple's iOS devices if accessing websites within an app -- if running The New York Times mobile app instead of visiting www.nytimes.com in your device's browser you may be served with ads and not have the option to remove them. In the browser Apple lets you remove ads when accessing Open Internet -- when accessing their proprietary App Store centric version of the Web -- accessing websites via apps though users don't have the freedom to make advertising disappear -- despite Safari allowing ads to disappear from webpages. Also Apple is pushing iAds a mobile advertising network onto its iOS devices -- consumers won't be able to opt-out of iAds -- if an app developer offers an ad free app then the consumer may escape ads -- AOL has AIM Free Edition and AIM Premium Edition mobile IM apps for iPhone platform -- the Premium Edition you

have to pay for once and is completely free of advertising while the free edition has ads in the application.

However, consumers can't opt out of receiving ads in apps in which the developer chooses to use them. By offering users a way to avoid advertising in the browser Apple may be trying to drive advertisers away from the Open Internet and to its closed proprietary App Store centric web experience. The point while Apple has made some contributions to web development with their Safari browser based on Web Kit technology they developed -- Google's Chrome also uses Web Kit -- and has embraced HTML 5 their decision to reject Adobe Flash compatibility from being offered on iOS devices is a cause for concern. Some believe that its a business decision of Apple to prevent people from playing free flash based video games online -- instead of allowing flash applications Apple wants to drive more people to buy games from their App Store. Of course Apple says its blocking of Flash has nothing to do with driving sales of video content (TV Shows and movies on iTunes Store), or driving App Store sales of games instead of allowing games to be played for free online.

Of course Apple may also point out they allow web apps to be developed for iOS devices and run via the Safari browser also featured on Apple's mobile devices and its worth noting Google Voice is available on iPhone as a web app despite Apple blocking it from App Store. Web apps don't have to always be approved by Apple -- to be listed by Apple on their website in the iPhone web apps downloads directory or whatever Apple calls the section of their site linking to iPhone web apps though Apple may pick which web apps submitted to it to provide links to in their directory but they can't block a website or web app from being run on their iOS devices.

As such its important as the FCC seeks to reassert its legal authority over broadband and to enforce Network Neutrality that it require all companies involved in offering services via the Web be it Apple (with Mobile Me, iTunes & iTunes Store, QuickTime, Safari 5 browser), Microsoft (with Internet Explorer, Windows Media Player, MSN browsing software etc), Yahoo, even Google (a supporter of Net Neutrality) the AT&Ts, Comcast's and Time Warner Cable's of the world (the ISPs as well) must all offer open access to the Web and not try to restrict our use of the Web in any way.

I'd like to now make a few statements regarding wireless:

Whereas with the PC market when accessing the Internet -- your ISP cannot tell you what brand/vendor's computer to use -- (they cannot dictate the manufacturer) -- meaning they cannot tell you what computer hardware to use to access their network (be it an Apple Mac, a Dell, an HP, a Sony, a Toshiba, an IBM PC etc), they cannot tell you what computer operating system or operating system version to use (be it Microsoft Windows 95, 98, ME, NT, XP, Windows Vista or Windows 7; Apple Mac OS 9, Apple Mac OS X, Linux in any of its available distributions), what web browser to use (Internet Explorer, Google Chrome, Mozilla Firefox, Apple Safari, Opera Software's Opera browser), what toolbars or extensions to use if any with/without the browser (cannot dictate your use of Bing, Google and/or Yahoo Toolbars or even AOL Toolbar), or what media player you use to play downloaded video files (including recordings with your TV Tuner if you have one) or for that matter to play streaming audio/video content -- the ISP cannot dictate you use Windows Media Player for streaming content or playing downloaded content -- they can't restrict us to QuickTime Player, iTunes, Real Player etc so why should wireless carriers be able to tell us what devices we can and cannot use on their network?

When you buy a television you are not required to use it with a specific television provider. I am not required to sign an exclusive contract with the cable TV company for TV service and after 2 years when I want to change providers have to buy a new TV to work with my new provider. I should not even have to ask the TV provider to unlock existing TV for use with other providers -- TVs are already unlocked -- their not restricted this way neither are computers so why in wireless? The FCC needs to reclassify broadband a Title II telecommunications service and protect both wireline and wireless users. That is the point being made here and there is precedent for open and universal access to communications:

We need to shrink and gradually eliminate the Digital Divide separating those with high speed Internet access from those without it -- and have universal open access to broadband. Re-breakup AT&T, divide Qwest from US West, breakup Time Warner Cable and Comcast's digital cable TV business from their Internet business -- as large companies they are motivated by greed and desire to make profits -- they raise their Internet rates every year and will continue to do so making broadband more unaffordable to more people -- until it becomes unaffordable to those who can already afford it -- and when many people are forced to cancel broadband service and their profits start to decline due to prices being too high only then would they stop price gouging -- but that's not likely to happen anytime soon.

They don't care if some people can't afford broadband at the higher prices they care about their money and until they see a large enough drop in subscribers that they lose money they are unlikely to alter pricing policies -- also sine the market is anti

competitive it is unlikely for a consumer to switch providers to join a cheaper provider. If the market was competitive enough an ISP offering lower prices would take away a higher priced ISP's customers and force the higher priced ISP to lower prices -- the incumbents would have to be price competitive in a competitive market and innovation is more likely to occur sooner and at more rapid speeds.

Currently, in wireless market we don't know what we're missing out on. Forcing wire-line phone market open enabled the innovation of the fax machine. Despite the fact some innovations are happening in wireless market consider how many innovations were blocked by the carriers.

The established incumbents don't want to make costly network builds and expand broadband deployment in unserved areas -- areas lacking a broadband provider because while it would enable more people to have access it would eat into their profits. Of course they could make money from all the new customers they could get by expanding deployment but its not been in the incumbent's interest to spend their money wiring unserved areas of the country for broadband. Nor do they want to spend money to upgrade broadband in under-served areas with access but in which access is not good enough.

All Americans as consumers should be capable of having equal, affordable, open, universal access to high speed Internet services if we so choose and have plenty of competitive choices in service. Net Neutrality despite AT&T's claims that broadband regulation can harm Web investment will enable Web investment to continue freely -- an Open Web is open to more innovation and open to increased investment. Also AT&T which is threatening to reduce investment if the FCC moves forward with broadband reclassification under Title II has already making minimal investments in its UVerse Internet and television services. Thus I assert the FCC should restore its oversight authority over broadband so it can protect the Open Internet and implement The National Broadband Plan for universal access which the incumbent's also oppose. Put a people powered Internet first. Don't allow the incumbents to become corporate gatekeepers on the Web. Keep consumer protections in place for the Internet!