

**Marlene H. Dortch, Secretary
Federal Communications
Commission
445 12th Street, SW
Washington, D.C. 20554**

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**Re: Written Ex Parte Communication
*Examination of the Future of Media and
Information Needs of Communities in a Digital Age*
GN Docket No. 10-25**

Dear Ms. Dortch:

Pursuant to Section 1.1204(b) of the Commission's rules and the Commission's Public Notice concerning the Future of Media and Information Needs of Communities in a Digital Age, Curtis J Neeley Jr MFA submits this letter to address issues integral to the proper distribution and regulation of news and information transmitted by WIRE called Internet that the Commission has raised. On the next three pages Mr Neeley has attempted to make it extremely plain that the "Digital Age" is already actually subjected to Commission jurisdiction and that the Commission nonfeasance has offended Mr Neeley and most of the parents in the ENTIRE WORLD and should be subject to a Supreme Court Writ of Mandamus where the only relief is to regulate the Internet as statutorily ordered to do before Communications by WIRE received *de facto* pornographic exemption.

The Federal Communications Commission has refused to follow their statutory since the COMMUNICATIONS by WIRE came to be called the Internet. This has caused the Internet to become known worldwide to be the source for pornography that could not be accessed by any other method of transmission. Movies that are indecent are marketed and sold to adults and television that most would call offensive, but can be purchased and enjoyed.

The Commission regulates all of these marginally but then return to their offices and use WIRE communications to view pornography. Judges and commissioners have *de facto* agreed to call WIRE COMMUNICATIONS that use computers as the apparatus on either end of the wire not subject to regulation. All Judges and Commissioners have “surfing” for pornography with absolutely no question whatsoever. They are all adults and this consumption is not illegal, yet is not regulated.

Securities and Exchange Commission legal counselors surfed for pornography using Google Inc searches to bypass government filtration and did so as many as eight hours a day. Every Judge in America has viewed explicit pornography transmitted by wire for research purposes only, if not for masturbation. This is an undeniable fact alleged that could be easily determined. There is nothing wrong with looking at the most explicit pornography that was legally created and never should be. The Government has a duty to protect the youth of its citizenry and has not attempted to protect the young from pornography transmitted by wire. There are extremely simple methods for regulating WIRE Communications that have not been considered. All “COMMUNICATIONS by WIRE” are initiated in response to a request to a computer connected to WIRE. This is done using use of a URL. All computers that are connected to the WIRE called the Internet have specific numerical addresses they are located with. Every computer that is connected to the WIRE, called the Internet, has the option of controlling how it responds to each request. There is a file called a robots file that can affect how the computer is indexed by “robots”. Computers are apparatus connected to the WIRE called the Internet. Disclosure of the data’s existence to the robot makes the data become publicly available. The data is therefore TRANSMITTED by WIRE the moment made publicly available to a robot. This is described as a Statutory Mission of the Commission and has never been done. The Communications Act of 1934 explicitly made regulation of COMMUNICATIONS by WIRE part of the Federal Communications Commissions that has resulted in de facto nonfeasance.

Curtis J Neeley Jr has been damaged by the nonfeasance of the Commission and now has asked Supreme Court Justice Samuel Alito who handles emergency requests for the Eighth Circuit to order the Federal Communications Commission to regulate communications by wire and thereby prohibit EVERY American search engine from attributing him by name to nude images he created and nude images he did not create to children, Muslims, and anonymous viewers. The three hundred and thirty three page Act is quoted below for the relevant portions and it is extremely clear that the Commission is explicitly nonfeasant.

(51)¹ WIRE COMMUNICATION.--The term "wire communication" or "communication by wire" means the transmission of writing, signs, signals, pictures, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

Apparatus² –noun, plural -tus, -tus·es.

1. a group or combination of instruments, machinery, tools, materials, etc., having a particular function or intended for a specific use: *Our town has excellent fire-fighting apparatus.*
2. any complex instrument or mechanism for a particular purpose.
3. any system or systematic organization of activities, functions, processes, etc., directed toward a specific goal: the apparatus of government; *espionage apparatus.*
4. Physiology a group of structurally different organs working together in the performance of a particular function: *the digestive apparatus.*

Computers are wire APPARATUS that have replaced the teletype machine since the late 1980's. Comcast v FCC, (08-1291) TATEL, Circuit Judge stated as follows,

“In this case we must decide whether the Federal Communications Commission has authority to regulate an Internet service provider’s network management practices. Acknowledging that it has no express statutory authority over such practices, the Commission relies on section 4(i) of the Communications Act of 1934,”

¹ Communications Act of 1934 p. 8 ¶ 51.

² APPARATUS. Dictionary.com. Dictionary.com Unabridged. Random House, Inc. <http://dictionary.reference.com/browse/APPARATUS>

(accessed: August 15, 2010).

The Third District Court of Appeals argued this case January 8, 2010 and almost three months later on April 6, 2010 decided it. The Circuit Court and the Commission perhaps searched the Communications Act of 1934 attempting to find statutory authority to regulate the Internet but missed it due to being raised in a different era. The Commission must have missed the forest for all the trees and this is odd for a forest ranger.

The “Internet” was first mentioned on page eight of the Act many decades before the recent wire apparatus existed or was called the Internet. The Internet is NOTHING but “communications by wire” and should have been regulated when first developed. The “free flow on pornography” has perhaps caused the Commission to reject their Statutory Mission of Regulating Communications by Wire since they came to be called information services.

SEC. 3. [47 U.S.C. 153] DEFINITIONS³.

(20) INFORMATION SERVICE.--The term "information service" means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service. This term was used to initiate treating “Communications by Wire” as something besides what they actually are.

The United States has fought several wars that did not involve protection of a fundamental moral value and is the only State that has committed an act of nuclear terrorism. When the Communications Act was written, the broadcast of pornography by wire was not imagined possible by wire yet today, WIRE COMMUNICATIONS called the Internet has come to be known as the most common source of pornography on Earth. This has been done in a bald refusal to follow the common laws that have existed since most Justices or Commissioners were even conceived.

³ The Communications Act of 1934 p. 4 ¶ 20