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January 11, 2011

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

RE: Comcast and NBC Universal Merger (MB Docket No. 10-56); Open Internet
Broadband Industry Practices (GN Docket No. 09-191)

Dear Secretary Dortch:

Last month, several industry colleagues and I wrote to the Federal Communications Commission to outline misrepresentations in Comcast's purported "peering dispute" with Level 3 Communications. I am writing today to shed some additional light on the escalating anti-competitiveness of Comcast's technical practices, and to ask for your immediate assistance.

Like others in our industry, Voxel provides hosting and other Internet infrastructure to over a thousand clients, many of which market products and services in direct competition with Comcast. For example, some of our customers provide Internet-based telephony (VoIP) services, competing with Comcast's XFINITY (residential) and Business Class Voice (business) offerings. Others deliver video content to both web browsers and set-top clients, including live coverage of popular news, entertainment, and sporting events, which are also accessible on Comcast's television service. Our customers also specialize in online gaming, among other innovative business models in which Comcast has taken a recent interest. While our client base is relatively small, we host a large number of highly popular sites.

Through its "interconnect relations" (peering) and network management practices, Comcast has deployed an ecosystem in which hosting companies such as Voxel are effectively forced to pay Comcast to serve its broadband subscribers. Where broadband ISPs typically ensure that links connecting their customers to outside networks are relatively free from congestion, Comcast appears to be taking the opposite approach: maintaining highly-congested links between its network and external transit ISPs. Delivering traffic to Comcast over standard "best effort" paths, such as the transit circuits it purchases from Tata Communications, we have observed extreme packet loss for the majority of the day, dating back over six months. In these conditions, it is simply not

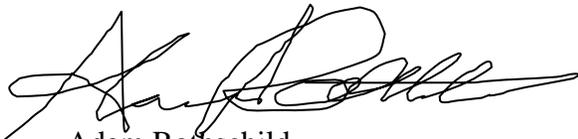
possible for competing external providers to deliver VoIP, gaming, or streaming video services to Comcast's broadband subscribers. Without a doubt, these technical practices are unprecedented by any US-based broadband provider, and are greatly destructive to our customers. We believe that Comcast's practices are deliberate violations of the Commission's Open Internet Order (FC-10-201A1), specifically its positions on "paid prioritization" and the blocking of "lawful [...] applications [and] services".

(It is important to note, in the context of the order, that our customer applications do not require any form of prioritization in order to effectively service Comcast subscribers; all that is needed is an uncongested best-effort path to the Comcast network, for example, by way of its Tata connections.)

As you are certainly aware, Comcast is currently seeking regulatory permission to merge with NBC-Universal. We believe allowing such a merger to take place will multiply opportunities for the merged company to engage in anti-competitive behavior, contrary to the public interest. Comcast will be further incentivized to disallow competing businesses access to its Internet subscribers, as its larger portfolio of services and video content are potentially threatened. Services provided on the Internet can become, in Comcast's view, their competition – a classic conflict of interest. By not upgrading key interconnects (e.g. Tata transit), Comcast is transitioning its service provisions from open Internet access to a walled garden in which only approved content and application providers are allowed to operate. These actions threaten not only our customers and their profitable business models, but millions of Comcast's residential and business customers, unable to utilize innovative voice or video offerings designed to operate on top of Comcast's Internet service.

In conclusion, we strongly urge the Commission to ensure that any competitive barriers to Comcast's IP network are lifted as expeditiously as possible, and as a requisite to any merger-related activity. The damage potential to the entrepreneurial context is unknowable in extent, but assuredly profound in magnitude. Please do not hesitate to contact me with any additional questions or clarifications.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Rothschild', with a long horizontal flourish extending to the right.

Adam Rothschild
Vice President, Network Architecture
Voxel dot Net, Inc.