

GN Docket No. 10-127, *Framework for Broadband Internet Service* GN Docket 09-191, *Preserving the Open Internet, Comcast NBC (10-56), Implementation of the Cable Television Consumer Protection & Competition Act of 1992 – Horizontal & Vertical Ownership Limits, Cross-Ownership Limitations & Anti Trafficking Provisions (92-264), In the Matter of Broadband Industry Practices (07-52)*

In the wake of the recent D.C. Circuit Court of Appeals ruling in Verizon v. FCC striking down the Net Neutrality rules (see FCC 2010 Open Internet Order) and Comcast NBC's decision to acquire Time Warner Cable now is the time for the Federal Communications Commission to get some guts and reclassify broadband as it was originally defined in the Clinton Gore Administration as an advanced telecommunications service under Title II of the Telecommunications Act.

Now is the time to act and protect broadband telecommunications services from being further monopolized. We need open and universal access to the latest telecommunications technologies. I urge the U.S. Department of Justice Antitrust Division and the FCC to block this merger and for the FCC to reassert its legal authority under the 1996 Telecommunications Act to protect broadband users from ISP discrimination. Comcast, which already owns NBC Universal is the country's #1 cable and Internet company and TWC is the #2. Put them

together and you get a single giant controlling a massive share of our nation's TV and Internet markets. If approved this outrageous deal would create a massive television and Internet colossus like no other.

No one woke up this morning wishing their cable company was bigger or had more control over what they watch and how they get online. But that is the reality we will all face unless the Justice Department and FCC block this merger. Unless the FCC reclassifies its definition of broadband there will be more merger deals like this. The uncertainty of whether the Internet will be open tomorrow is a serious cause for concern. We can preserve the free and open Internet but need more competition in the ISP market. I urge Chairman Wheeler to adopt former Chairman Julius Genachowski's proposed "Third Way" and restore competition mandates to the cable and telecom industry.

Some may suggest despite the hurdles this merger may eventually be approved because Comcast and TWC hardly compete anyways – by staying out of each other's markets (depending on where you live you have just 1 cable company in Yuma AZ it is TWC currently in Tucson AZ it is Cox Communications) in some areas it is Comcast. However, this massive deal is on the same scale as AT&T T-Mobile only bigger. Picture it this way what if AT&T Mobility and Verizon Wireless merged?

Comcast already is too big with NBCU in its possession and has been caught throttling Netflix on its network while privileging its own XFINITY TV service (a clear Net Neutrality violation!) and has violated the news neighborhooding requirement of the FCC it agreed to comply with in respect to Bloomberg LP post merger with NBC.

Please do not allow this disastrous merger to happen. If competition mandates were already in place and broadband classified as the telecommunications service that it is this merger would not even have a chance – it would already be dead on arrival. The proposed merger is anti competitive and anti consumer. It reduces the number of cable companies in America and increases the power Comcast has.

I implore the FCC and DOJ to protect consumers by blocking this disastrous horizontal merger and implore the FCC to restore much needed competition mandates to the cable and telecom industry. The last thing we need is more consolidation on such a massive scale. Please reclassify broadband as the public utility it is under Title II of the Telecommunications Act.

The law did not change broadband under the Act it is still a telecommunications service but the FCC changed its definition to deregulate ISPs in the last decade. As a result there are no competition

mandates, no line sharing rules for the giant fixed wire-line broadband providers, no price control – in a competitive market would not need price control as consumers can switch over to a cheaper service provider and providers have to compete on price and service quality.