Proceeding number 14-57 public comment

We (the consumer you are chartered to protect) are not paying our ISP for content; we're paying them to deliver the content we choose.

In the past ISP have "behaved like common carriers" and had been happy delivering content and enjoying legal protections form what that content might actually be. Except they decided maybe they do want to control what content you can choose, and the FCC's proposed rule would make that officially ok. Which is a huge reversal in the FCC's position that happened when Tom Wheeler, a former cable lobbyist, became chairman.

In 2004, the FCC basically said, "Hey, ISPs, we made some network neutrality rules for you, yay for open internet!" And then Comcast started throttling bittorrent, which was against those rules. There was a court case that Comcast won, with the argument that the FCC couldn't legally enforce those rules because they weren't official enough. So the FCC created the Open Internet Order of 2010 and voted on it and passed it and finally, net neutrality had real offical rules! And Verizon took the FCC to court and was like, "Are you sure these rules are for us? Because, they look a lot like the rules for common carriers, and we're not common carriers, so we're thinking the rules don't apply to us."

And Verizon won. So if the FCC can't enforce their own rules because ISPs aren't classified as common carriers, a lot of people think the FCC's next move should be to classify ISPs as common carriers.

Basically, a common carrier can't discriminate among the things they carry. Airlines and Telephone Companies are common carriers, so Apple can't pay Virgin America to not let any Microsoft employees on their flights; T-Mobile can't purposely drop your call while you're trying to order a pizza if Domino's won't pay them a cut of the order.

Up 'til recently, ISPs have been acting like common carriers. They built their businesses on customers' expectations that they were common carriers, like other telecommunication services, and with the benefit of the legal protection given to telecommunication services, such as not being liable for the content that moves through their cables. In 1998 the Digital Millenium Copyright Act thing happened, which gave ISPs more protection from liability for their user's actions, still back when ISPs acted as if they were common carriers. Right now ISPs control content without being liable for that content.

The Telecommunications Act of 1996 helped ISPs become big and powerful, they merged and formed monopolies, and then they decided it was in their best interest not to be considered a "telecommunications service," but an "information service," which would be less regulated, and also have fewer protections, but since they were now protected by the DMCA that wasn't a problem. There were a bunch of hearings. They won, they lost, and then in 2005 they managed to convince 6 out of 9 judges that even though the internet is a telecommunications service, they also do other things, and the Telecommunications Act that would have classified them as a common carrier telecommunications service does not clearly state that they have to be classified that way even if they also do other things.

Many net neutrality activists are asking us to call our representative and sign petitions and make an official comment to the FCC that the current "fast-lane" plan is not net-neutrality, and that the FCC should instead hold strong to its original plan of treating ISPs like common carriers by actually designating broadband internet as a title II common carrier telecommunication service. If you're going to make that call or official comment I want you to make it with full confidence that it is right and fair, because it's not legal to classify corporate entities as being whatever you want just because "yay internet."

And the internet has other problems besides net neutrality. There's only a handful

of ISPs, they’re huge and powerful with huge powerful lobbyists, many of which are now FCC employees, they have local monopolies, they work for each others’ benefit instead of as competitors, and there’s no way for a new competitor to enter their market. Making them common carriers will limit the damage they can do but it won’t make them any less of a cartel.

Comcast is trying to get approval to buy Time Warner Cable and it’s completely nuts that the FCC is even considering it. We have antitrust laws because it’s one of those beautiful mathematical inevitabilities that without intervention, monopolies will form. If you think stopping the biggest ISP from merging with the second-biggest ISP is what antitrust laws were made for, please speak out against this merger and mergers like them.

If you don't feel way then please explain to "Joe Public" how this is a different situation. Because I, and several fortune 500 company CEO's think it is.