

To Whom it May Concern,

May 8, 2014

I support the open internet and I will argue that classifying internet service providers (ISPs) as "Common Carriers" is essential to maintaining the internet as it has been: a place where great innovation has taken place.

In the current state of affairs, I pay my ISP to deliver me information at a set maximum rate (bandwidth). But now the ISP can turn around and demand payments from certain content providers (i.e. Netflix) so that their content can be provided at a usable speed. First of all this is unfair to the consumer because they paid for a service that the ISP refuses to deliver. Second of all, they have no reason they should charge any content provider over the others.

If I paid for a 10 megabit connection, I should be able to use that for whatever I want, ISPs should not get to decide that my connection is going to be slowed until content providers pay up, like what has recently happened with Comcast and Netflix.

This is not a case of insufficient capability or capital for expanding bandwidth capacity. Recently a top level executive for the company "Level 3", an ISP's ISP if you will, released a statement that many ISPs are refusing to work with them to upgrade their bandwidth, including Comcast, even though it is quite necessary. (<http://blog.level3.com/global-connectivity/observations-internet-middleman/>)

This shows that ISPs such as Comcast are exploiting this loophole to effectively and passively throttle services like Netflix so that they are not guilty of actively throttling them. What they are doing may be technically legal but it really seems against the spirit of the law and should be stopped.

They then prioritize Netflix's traffic over all other traffic and every other content provider suffers even more. What upsets me the most is that these ISPs are actively choosing not to upgrade their connections even though their customers have paid for a certain speed.

Ideally the free market would stop these machinations, and we do see this in places where the ISP free market is in full force such as in some European countries. But here, we have a near monopoly. There are very few ISP choices for many people and this oligopoly gives ISPs this power to exact information superhighway tolls even though they are not adding any value for those tolls.

Classifying ISPs as "Common Carriers" is not only a logical choice (because that's what they are and have acted like up till now), but it is an excellent first step in ensuring an open internet that is a nursery for world changing innovation. It will set up a fair check against the ISPs oligopoly's power and ensure that consumers are not cheated out of what they paid for.

Let users decide on which content they wish to use their paid-for bandwidth. Please don't let a key and intrinsic feature of the internet die for the corporate bottom line. An open internet is important for our future, don't let it be said that America is where the internet died.

Sincerely,

Andrew Mergl