

FROM THE DESK OF

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VIA ECFS

Tom Wheeler
Federal Communications Commission
445 12th Street Southwest
Washington, D.C. 20554

Re: Objection to Ending Net Neutrality through Fast Lane Creation

Dear Mr. Chair:

My name is Justin Walsh. I am a former information technology technician with a fortune 500 company, the Chair of a County Civil Rights Commission, a member of a City Planning Policy Commission, and a practicing litigation attorney, including practice in the Telephone Consumer Protection Act. I write today in my capacity as a private citizen who, through my experience, has had exposure to the myriad of effects the Internet has on life, culture, and business. I write to express my personal concern with the FCC's proposed rule changes to allow fast-lane subscriptions.

The entire purpose of the FCC was to prevent domination of mediums by monopolistic interests. The airwaves, including internet channels, are owned by the public and serve the public interest. That the infrastructure supporting those channels is provided by Comcast, Time Warner, XFINITY, or other telecommunications companies is irrelevant to the identity of the owners of those infrastructures: The American People.

The histories of industries regulated by the FCC is replete with stories of monopolies forming with deregulation. Radio mergers led to near total dominance by a handful of companies. Deregulation of cable television has led to higher prices and forced bundling of channels. The deregulation in internet broadband has already led to a decrease in choice, with most markets having only 1-2 choices of broadband providers. Within my market, I have only one cable internet provider choice and one DSL choice. Both come with a take it or leave it contract.

With its present regulation, the FCC seeks to create a caste system, which would allow internet service provider to charge for increased speeds. My internet provider already charges me a differential for increased download and upload speeds. What the FCC proposes is to allow content service providers to be saddled with a lesser service unless they pay up. The discretion is left to the ISP to do this as a business decision. Given that their customer base is already tied to

them, the only feasible business decision is to charge more for the ISP fast lane, as there is no downside.

By allowing a fast lane, the FCC essentially says that the services I have purchased are not my own. If my computer requests data from an external source, I should not be charged for both requesting and receiving the data, as well as being charged for the source having sent the data I requested. By creating a fast lane, this is exactly what will occur.

Should I request a document from an online storage network, or cloud, I would be charged an additional fee for services that should otherwise be provided. If downloading from Company A, who is not bound by these rules, my download speed to access my data remotely would be limited only by the services I have paid for. If I download from Company B under the proposed rule, I will not get the full value of the services I have paid for, unless Company B pays an additional fee, which it will pass on through additional costs in using the storage service. To get the full value of my services, I would not have to pay more.

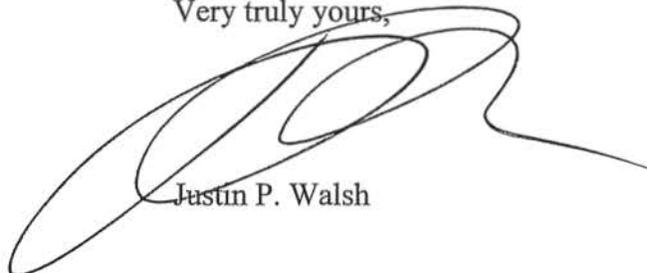
The FCC touts this as a fast lane versus faster lane argument. However, this has been the case. During negotiations with an ISP, the company Netflix was saddled with reduced speeds of its service until the date the revised agreement was signed. This is tantamount to saddling an internet service with concrete boots underwater until you pay a vig, and are provided a lift to get you out from the water. This is not a fast versus faster argument, this is an extortion racket whereby consumers and companies will be saddled with anchors until additional fees are paid.

Further, this rule decreases the chance of innovation in the digital age. As the ability of the Internet to provide data at increasing speeds moved into the future, these rules ensure that only the most established companies can take advantage of these innovations. Cloud-based computing, DropBox, Instagram, Twitter, or any of the other innumerable companies and innovations that developed in the Net 2.0 era would not have been possible had they not taken advantage of the innovations in providers' ability to provide faster internet services. Wikipedia would not exist if they would be forced to pay extra to have their results delivered through a mobile wireless network. When the next wave of innovation comes, it will be stifled due to an inability to be afforded the same access to technology as large providers.

Keep the Internet neutral. The same access for all based only on the services they have purchased and nothing more. If you purchase internet, you are entitled to the full value of what you purchased. While the FCC has, for now, stayed out of content regulation, this proposed rule does just that, limiting content-based services based on who pays.

I respectfully request the FCC remain neutral and deny carriers the opportunity to charge differential service speeds – there should be no caste system on the Internet.

Very truly yours,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Justin P. Walsh