

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
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Protecting and Promoting the Open Internet) GN Docket No. 14-28
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COMMENTS OF NICK DIMICO

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Dated: June 6th, 2014

I. Introduction

Nick Dimico submits these comments in response to the *Notice of Proposed Rulemaking* (“NPRM”) issued by the Wireline Competition Bureau on May 15, 2014 in the above-captioned docket on “Protecting and Promoting the Open Internet.” The NPRM had explained that this docket had been opened to address a fundamental question: What is the right public policy to ensure that the Internet remains open? In *Verizon v. FCC*¹, the D.C. Circuit remanded the Commission’s *Open Internet Order*,² and that decision vacated Open Internet rules that prohibited blocking and unreasonable discrimination by broadband Internet service providers.

As articulated in the NPRM, today there are no legally enforceable rules by which the Commission can stop broadband providers from limiting Internet openness. The D.C. Circuit’s recent decision in *Verizon* makes it clear that the Commission’s reliance on section 706 of the Telecommunications Act of 1996 is inadequate to prevent undue discrimination by broadband Internet service providers. The Commission has a duty under the Act to prevent unreasonable discrimination online and on our public telecommunications network. In order for the Commission to fulfill its mandate to “make available, so far as possible, to all the people of the United States ... a rapid, efficient, Nation-wide, and world-wide wire and radio communication service,”³ the Commission must take control of the internet to make sure that consumers are not getting unequal treatment when it comes to our internet service and service providers.

¹ *Verizon v. FCC*, No. 11-1355 (D.C. Cir. Jan. 14, 2014).

² *Preserving the Open Internet*, GN Docket No. 09-191, WC Docket No. 07-52, Report and Order, 25 FCC Rcd 17905 (2010) (“*Open Internet Order*”).

³ 47 U.S.C. § 151.

II. Providing Equal Internet Treatment for Consumers

In the 1990s and early 2000s internet was slow. It felt as if it took weeks to get to the next page or to watch video over the web. Since then we have come so far as access to the internet is more obtainable and a lot faster. As a journalist trying to make a living in society, I use the internet all the time. I access news footage, watch videos on YouTube, blog, stream music, talk with friends and family over Facebook, and stream movies from Netflix. To go back to a time of slow internet is truly unimaginable, but if we continue to allow internet service providers to control the internet we will be heading in wrong direction and the consumers will suffer.

Without a consumer what is a company? The answer to that is nothing. Internet service providers are becoming greedy and money hungry while the consumers are pushed to the side. According an article from the Washington Post, “What the Heck is Net Neutrality?” states that Netflix recently agreed to pay Comcast and Verizon for faster service and raised their subscription price by \$1 for new customers and that Comcast had revealed plans to start charging some customers by the usage. Not only are the companies hurting by having to pay more, but the consumers are as well. Why yes, it is only one dollar...but that is more money coming out of my pocket and all consumers’ pockets and we won’t stand for that. Soon ISP’s will raise their prices more and more and then we are stuck having to pay it or to cancel the service due to not being able to afford the high demands that are being placed on us. Consumers are also being thrown into the middle of it all by having to wait for companies to make decisions and it is not fair. A few years ago Direct TV and FOX got into a dispute and customers were left without it for a month. It’s not fair to us who pay the cable companies for the service and then are left without it for

long periods of time. This is what the internet will start to look like if the FCC does not take control of it. ISPs will be able to control how long it takes to get to each website and how much money we will have to pay to access certain sites. Net neutrality is crucial to help solve some the issues of the modern day by making sure that all consumers and companies will indeed have equal access to the Internet. Service providers will not be allowed to block their customers from using services offered by rival companies which is what we need. Freedom of the internet.

As a supporter of net neutrality we are headed down the wrong path if we continue to allow ISPs to control what is seen and how fast it is viewed. The new business models that ISPs are trying to implement are illegal and will increase costs for companies operating on the Internet, with those costs then being passed onto us as the consumers. According to Michael Beckerman, president and CEO of the Internet Association, argued that without any rules in place to protect the openness of the Internet, innovation on the Internet will be in jeopardy because companies like Google, Facebook, and Amazon have been able to thrive because of the Internet's "innovation without permission" ecosystem, which provides a low barrier of entry to anyone with an idea. How does this affect me? Well as one who writes many articles, produces content for company websites and enjoys the internet to talk with people from all over the world, my work is unlikely to be seen due to demands that internet service providers are placing on companies. ISP fees will make it more expensive and harder to launch new services, especially for small companies not tied to existing players. Services in which consumers use without paying a special fee to Internet service providers will not work as well because we will be excluded from the ISP's "fast lanes" and this not right.

By not having an open and free internet we are creating a great technological divide for consumers. ZeroDivide President and CEO Tessie Guillermo expressed her concerns stating that so many people focus on the aspect of movies and TV shows being raised, but how this will truly affect consumers is heart breaking. Guillermo said "A child in a rural area who loses the ability to video conference with her physician specialist, a single dad who can no longer take his online college courses or a community media outlet in the inner city that is charged more to distribute its news -- these are real losses."

III. Conclusion

In conclusion net neutrality and an open internet is crucial not only to the small companies, but to the consumers as well. Higher prices, slower internet, and lack of access to pages is something that we cannot afford. The FCC needs to take control and make sure that there is no discrimination from internet service providers such as Comcast, Verizon, AT&T, and Time Warner cable. In implementing an open internet we will be able to access all pages at the same speed with equality. Overall we need to protect our consumers from the unequal treatment of ISPs when it comes in the internet.

Respectfully submitted,

/s/ **Nick Dimico**

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