

*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 Mark Tallabas**

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Dated: June 6<sup>th</sup>, 2014

## I. Introduction

Mark Tallabas 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*<sup>1</sup>, the D.C. Circuit remanded the Commission’s *Open Internet Order*,<sup>2</sup> 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,”<sup>3</sup> the Commission must adjust and clarify the NPRM in a manner that ensures a free and open Internet that protects all users from facing unfair discrimination.

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

<sup>2</sup> *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*”).

<sup>3</sup> 47 U.S.C. § 151.

## **II. Stalling Progression**

Open Internet encourages the advancements of innovation, availability of educational material, and global connectivity, which allows awareness and progressive movements to come to life.

The commission must clarify, improve, and adjust the Internet rules to assure that American consumers are provided a free and open Internet. The current state of FCC Internet rules allow Internet providers to discriminate because of the unclear wording and lack of specific details. For example, the rules state that certain classes of Internet providers “may not unreasonably” impair, interfere, restrict or limit applications or services. This draft offers no definition of what is considered “unreasonable,” which leaves the door open for Internet providers to discriminate and restrict Internet access. Another important term that is left unclear is “quality of service.” While it is important and reasonable for Internet providers to block spam emails and viruses that can potentially harm their networks, the term “quality of service” is far too broad. This broad term would present Internet providers with an excuse as to why a certain search engine is now blocked, in favor of their own search engine.

Blogging is another great example of how the lack of net neutrality can trickle down in a negative manner to Internet users. Independent blogging is great because it is low cost, if not free, and easily accessible. Not only do the bloggers themselves appreciate the affordability and accessibility, but their readers appreciate it as well. Lets say that Time Warner, or Comcast don’t like the content on one specific blog and they decide to deny access to the webpage, the blogger and its audience have experienced

unfair treatment based upon the viewpoint of a few individuals. Where will the line be drawn? What will be considered appropriate material to blog and what content will be unacceptable? Many people who enjoy blogging, or reading blogs, like myself, simply want to engage in conversation, but may face unfair discrimination.

Without net neutrality, Internet providers could stymie the progress of innovation. Net neutrality is the idea that broadband Internet service providers should treat everything that flows across the Internet equally. Net neutrality allows endless opportunities for individuals to create new and innovative services. Without an equal and open Internet, service providers could stymie the progression of innovation. Especially if Internet providers employ the use of “fast lanes,” and make it more expensive for business’ to make their websites easily accessible for consumers. Of course, big businesses like Netflix and Google have the financial resources to dish out the extra money to ensure their consumers see no decline in their services. What about small start-ups and independently owned businesses? Many of these smaller businesses will not have the financial capabilities needed to pay Internet providers what it takes to ensure their consumers have fair access to their services. Making these small businesses suffer setbacks does not provide equal and fair competition in America’s open market.

Net neutrality has allowed the growth of progressive movements around the world and served as a medium that allows users to connect with each other as equals around the world. If net neutrality becomes extinct, it could create a class system on the Internet. Education is perhaps the most useful tool of the Internet. Ending net neutrality could make educational material inaccessible. As a 22-year-old college student, I can attest that Internet has been one of the most important tools available for my generation. I would

appreciate the ability to access educational material at the time of my convenience without worrying about fast lanes and inaccessible websites.

### **III. Conclusion**

The commission is obligated to protect the Internet and telecommunications network from unfair discrimination. Permitting Internet providers to unreasonably discriminate goes against the founding ideals of the Telecommunications Act of 1996. A free and open Internet is critical to the advancement of innovation and easily accessible educational materials. The absence of net neutrality will solely benefit large Internet providers, while negatively affecting Internet users and small Internet based services. It is the commission's duty to promulgate effective Internet rules so that it protects the American people from unfair discrimination that derives from greedy Internet providers.

Respectfully submitted,

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