

Received & Inspected

Antonie K. Churg, Ph.D.
25802 Skylark Drive
Torrance, CA 90505-7314
(310) 539-6506
e-mail: achurg@socal.rr.com

JUL 15 2014

FCC Mail Room

July 9, 2014

FCC Secretary, Office of the Secretary
Federal Communications Commission
445 12th St. SW
Room TW-A325,
Washington, DC 20554

Remarks in response to the FCC Proposed rules, Docket Number FCC 14-61

I am sending you this response by US Postal Service mail because you offer no mechanism for direct online comment to FCC 14-61. We can only comment on 14-28, which I did yesterday: <http://apps.fcc.gov/ecfs/> Confirmation number: 201478478266

This is an outrageous suppression of our ability to convey our opinion to the government. What trust can we have in your wish to preserve an Open Internet?

"Net Neutrality" or "Open Internet" means that all data and communications traveling on the Internet backbone are treated equally. There is to be no discrimination by user, content, site, platform, application, type of attached equipment, and modes of communication. Packets must be transmitted on the Internet in the order received, and there are to be no closed broadband networks, and no tiered pricing for priority transmission, and no blocking. The Internet's backbone must not be privatized.

The Internet was developed at the public's expense, and it should serve the public, allowing start-up businesses, education, government services, and personal communication to flourish. The first step in protecting the public is to revert to the original classification of broadband as "telecommunication". The current classification of broadband as "information service" allows for private networks, precludes regulation, and allows for a few predatory monopolies to control pricing and content. The classification of broadband as "information service" was the basis for the DC Appeals Court ruling (Verizon vs. FCC) that struck down the FCC's Open Internet Order, FCC 10-201. In the broadband era, "information" and "telecommunication" are one and the same. Phones, computers, cable TVs, all use the Internet.

The crux of the matter lies in Paragraph 149 in the discussion of proposed new rules, FCC 14-61, <http://www.fcc.gov/document/protecting-and-promoting-open-internet-nprm> https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-61A1.pdf. In Par. 149 (p. 53): You ask whether the Commission should revisit its 2002 decision that "classified broadband Internet access service offered over cable modem, DSL and other wireline facilities, wireless facilities, and power lines as an information service, which is not subject to Title II and cannot be regulated as common carrier service." Absolutely yes! These services send packets down the same Internet as "commercial mobile services," which are classified as "telecommunication" and are regulated as common carriers.

No. of Copies rec'd 0+1
List ABCDE

Reclassifying all ISP as telecommunications service providers is the only way to preserve an Open Internet. All of the other proposals – for example, Par. 96, 97, 101, could be struck down in rulings like the 2014 DC Appeals Court ruling. Similarly in Par. 147, the FCC has no legal authority to regulate all broadband Internet Service Providers (ISPs). The FCC must change the Federal codes so that all broadband – mobile and stationary end users – is classified as a telecommunications service.

I include a few comments on specific paragraphs of FCC 14-61:

Par. 96 (p. ~35): You ask whether FCC should adopt a no-blocking rule that prohibits broadband providers from entering into priority agreements with edge providers. I say affirmatively YES. This again requires classifying broadband as telecommunications.

Par. 97 (p. 36): You "tentatively conclude that [y]our proposed no-blocking rule would allow broadband providers sufficient flexibility to negotiate terms of service individually with edge providers,..." Apparently you are trying to get around the 2014 DC Appeals Court decision that the no blocking rule imposes common "carrier rules" on broadband providers. I reject the negotiation of terms of service individually with edge providers.

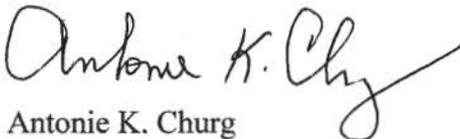
Par. 101 (p. ~37): I reject fine-tuning of no-blocking rules and definition of minimum level of access. These are legalistic evasions of the public demand for an Open Internet as described in my opening paragraph above.

Par. 145 (p. ~51): You ask for comment on how to interpret section 706 of the 1996 Telecommunications Act. The US ranks below Slovenia in average Internet speed and connectivity. It's not rocket science: Your interpretations and rules allow monopoly corporations to maximize their profits by providing inferior service.

Par. 147 (p. ~52): You "seek comment generally on how the court's decision in Verizon v. FCC should inform [y]our exercise of legal authority. Again, the FCC has no legal authority to regulate broadband Internet Service Providers (ISPs). The FCC must change the Federal codes so that broadband is classified as a telecommunications service.

Par. 148 (p. ~52): You "seek comment on whether the Commission should ... (1) ... revisit the Commission's classification of broadband Internet access service as an information service and (2) ... separately identify and classify as a telecommunications service a service that 'broadband providers... furnish to edge providers.'" The FCC should classify all broadband Internet Service as a common-carrier telecommunications service. Any other classification allows some edge providers to be prioritized.

Sincerely,

A handwritten signature in black ink, appearing to read "Antonie K. Churg". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Antonie K. Churg