"Thank you for taking my testimony.

My name is Henry Hardy. I am currently a Senior Systems Administrator at Tufts University. I am appearing here as a private individual and my institutional affiliation is for identification purposes only.

I want to focus on one feature of the Internet which is important to keep in mind in your deliberations. That is that there is no Internet.

No corporation, no board, no elected officials. No mandatory rules, only “Requests for Comment” (RFC's). What then, is “the Internet”?

The Internet is a voluntary association of Autonomous Systems. In the US, these Autonomous Systems are assigned Autonomous System Numbers (AS numbers) by the Internet Assigned Numbers Authority (IANA). IANA assigns blocks of internet addresses to the Autonomous Systems in accordance to a defined procedure and the RFC’s (Request for Comments). However, it should be noted that nothing about this system is mandatory. Systems are free to use other numbers internally if they wish. However those other addresses will not be accessible to external systems unless those external systems are so configured. Autonomous Systems can follow or not follow the RFC's as they wish.

The FCC should respect and promote the nature of the Internet as a voluntary association of Autonomous Systems setting their own rules for their own networks.

I want to ask you to respect the unique voluntary and open nature of the Internet. Anyone with the necessary knowledge and resources can set up an Autonomous System and set their own rules about routing, filtering, traffic priority, security, acceptable use, and access.

Those using the public airwaves, however, should in turn be required to insure network transparency and common carriage in the public interest. Where a natural monopoly or duopoly exists in wireline services, those providers should likewise be required to provide network transparency and common carriage.

The FCC can and should intervene where there exists a natural monopoly due to limited spectrum allocations or limited wireline providers available. Those using the public airwaves or serving as public utilities should be required to make transparent and open their routing, traffic shaping, and traffic prioritization and bandwidth limiting rules to their customers and to the public. In accordance with the First Sale doctrine, routers and cell phones and other devices sold to end users should never be allowed to be locked by the seller or service provider and must at all times provide full, “root”, access to the owner.

In the field of wireless communications, the FCC should promulgate rules to require network transparency and either common carriage or open access. Wireline services should be generally exempt from FCC interference or control unless there exists a kind of natural monopoly or duopoly in the delivery of services.

“Network neutrality” is not, and never can be, neutral. Such rules, whatever the euphemism used to justify them, unless carefully tailored, will only promote the interests of the rich and politically powerful, and not those of the common people. As custodian of the public airwaves, the FCC should act to insure network transparency and common carriage. Wireline services should be and remain generally exempt from government interference or censorship. However, where there is a natural monopoly or duopoly in
wireline services, such as the last mile to a home or business which has only the option of DSL or cable modem service, then those providers should be required to insure network transparency and common carriage."

references:
Autonomous System (Internet) [wikipedia]

First-sale doctrine [wikipedia]
http://en.wikipedia.org/wiki/First_sale_doctrine