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The Honorable William E. Kennard
Chairman
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

RE: Docket No. 00-30

Dear Mr. Kennard:

I am personally addressing this letter to you for two reasons; first because it appears that my expressions herein may well get lost in the plethora of comments recently filed in this action by private persons, and second, because of the brilliant speech you gave a few days ago. It is true that your speech concerned television broadcasters, and specifically their failure to consider the public interest in choosing to broadcast baseball games and Sci-Fi instead of the Presidential debates, but the general tone of the speech clearly demonstrated that you have a firm grasp on what is, and what is not, in the public interest. It may have been the most important speech given by an FCC commissioner in over twenty years, since your predecessor defined the “vast wasteland” which is modern television.

There is something you should realize. Get yourself a Road Runner or AOL account. Post your speech to USENET or IRC. Your account will be terminated. Your speech violated at least three of the standards established by these gatekeepers.

Mr. Kennard, you do not have freedom of speech on the internet. You may not post your opinions given in your official capacity as a policymaker of the United States Government through a Time Warner or AOL site without fear of censorship by the internet gatekeepers. If you circumvent their rules by posting these comments through an official United States Government site, consider this chilling prospect; AOL and Time Warner have every right, and sometimes do, refuse to allow access to that site through their network. Freedom of speech, Mr. Kennard, is not a theoretical concept; it is your right to speak which is being threatened.

The recent flood of comments by private persons demonstrates an immense concern on the part of the internet users. True, most of them found that they had the ability to file comments from internet posts. But did you know that several people who have posted the link to the FCC filing site have been terminated by their ISP? As the ISP is not constrained by the Constitutional provisions of Freedom of Speech, the ISP is likewise not constrained by the Constitutional right of every citizen to petition their government. An announcement that you are willing to accept the comments of ordinary citizens has been defined by more than one ISP including some in which Time Warner has an interest to be sufficient reason for termination of the account.

I particularly refer to the comment by Konstantinos Tzoannopoulos (10/10/2000). Mr. Tzoannopoulos is not a citizen of the United States; he is a citizen of Greece, a country usually regarded by Americans to be rather totalitarian. His comments were rude, vulgar, insulting, inane, and totally uncalled for. But they were his opinions. Did you censor his comments? No, you did not. For all their inappropriateness and vulgarity, you did what was right and filed them as any other comment, and left it to the readers to determine for themselves the idiocy of their content. Did his ISP censor him? No, it did not; because his ISP is in Greece, where there is, surprisingly, freedom of speech, even on the internet. Would Time Warner or AOL terminate him for those comments if he had posted them through those services? You bet your bippy they would. It is a sad commentary when, in order to receive uncensored access to the internet an American citizen must move to Greece.

The same principles expressed in your speech, although directed to television, are directly applicable to the present controversy. The “gatekeepers,” be they NBC, FOX Television, or Road Runner, have demonstrated that they cannot be depended upon to consider the public interest. We have a solution to that; it is called the FCC.

I particularly refer to the recent contribution of October 2, 2000, by the National Association of Broadcasters. The NAB, like myself, has petitioned you to view the principle of “open access” on a broader basis than merely access to any ISP wishing to establish service through the Time Warner cable system. AOL, Time Warner, and ATT have objected to any open access policy whatsoever in the framework of this action, as not “merger specific” and beyond the scope of this action. That may well be true. It is also true that this commission has the broader picture to consider and the broad picture as it developed in this action is that this commission cannot risk allowing AOL and Time Warner even the limited time in which this commission could promulgate general rules. Like a camel with its nose in the tent, if these corporations are allowed to gain a foothold, it is obvious that they will use every legal trick in the book to, first, attempt to prevent this commission from issuing any general rules whatsoever, and second, if the commission does issue general rules, to delay their implementation through any legal shenanigans they can muster until the internet in this country will be destroyed beyond any hope of recovery, and until, for an American citizen to obtain any semblance of uncensored access, he will have to purchase a satellite link to Greece.

I believe that it is time for this commission to bite the bullet and face a question which, for entirely reasonable motivations, it has been unwilling to face to this time. Like “trickle down economics,” this commission tried market forces to control the internet; it is an appealing idea, but it failed. Now we must face the unpleasant reality that regulation, as distasteful as that might be, is an unfortunate necessity.

Open access should be just that; open for everyone for everything. That is what the internet has been in the past, before the AOL's and Time Warner's took control. That is what the internet still is in most foreign countries. That is what American citizens have the right to expect. The gatekeeper can collect his toll but cannot determine who passes through the gate.

Certainly this will cause unpleasant results; we will not have AOL to protect us from Konstantinos Tzoannopoulos's vulgar, insulting, and inane comments to this commission. On the other hand, there is an upside; we will not be threatened with the prospect of AOL protecting us from Konstantinos Tzoannopoulos's vulgar, insulting, and inane comments to this commission.

I again entreat this commission to require open access. For everyone. Particularly for the FCC commissioner who wishes to post a controversial, and to many, an offensive, speech, and for Konstantinos Tzoannopoulos's right to post his viewpoint, however vulgar, insulting, and inane his comments may be.

Sincerely

Thomas Lewis Bonge