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The Honorable Thomas Blilcy
Chairman
United States House of Representatives
Room 2125
Rayburn House Office Building
Washington, D.C. 20515-6113

Dear Mr. Blilcy:

I read with great interest your submission to the FCC in case Number 00-30, relating to the AOL – Time Warner merger. It must be quite intimidating to the commissioners to read your strongly-worded submission!

Mr. Blilcy, I am not a commissioner, I am merely a private citizen; so I am not intimidated by your response; I am merely saddened by the short-sightedness of your position. I am sending this comment to your distribution list and as well filing it in the FCC action.

Last night I heard on the news that a public official, I think a Senator or Congressman, died of lung cancer caused by exposure to asbestos. I reflected on this; was he one of the public officials who, in the early days, rejected the few still small voices crying in the wilderness and exhorted the government to leave the corporations alone and let “market forces” protect the people? Did he, by failing to act when the problem first became apparent, contribute to his own death from the very pollution he refused to address?

I reflect on that, Mr. Blilcy, because you are taking that exact course of action. “We the People” is in reality “You the People.” The freedoms which you are threatening by your “call to inaction” are not merely mine, they are also yours. When the final chapter of the internet is written, Mr. Blilcy, which politician will you be compared to? Will it be Thomas J. Walsh, or will it be Sen. Albert B. Fall?

In the past few weeks there has been a virtual explosion of submissions to the FCC from private citizens. The total now approaches 300 and is increasing at the rate of ten to twenty a day, every day. Every single one of these submissions, from private citizens like myself, calls upon the FCC to protect their freedom of speech, except one. I include a few of these

letters here for your consideration. For balance, I include the response of the one lone private citizen who exhibited support for your position. You will note that even that one “supporting” response exhibits support for the concept of open access, and opposes limitations on the power of the Internet Service Provider to censor speech under the mistaken belief that the ISP only takes action against “things like child pornography.”

Today, as we speak, AOL allows teens to access the website of the Republican National Committee but prohibits teens from accessing the website of the Democratic National Committee. I find that reprehensible. On the other hand, I don’t like Republicans very much, and I think that, if I ever become President of AOL, I will just prohibit access to the Republican site to everyone. There are not that many Republican Congressmen in the world, and I could afford to loose their business.

Mr. Blilcy, by advocating that the basic freedoms guaranteed to every citizen be left to the whims of corporations controlled by “Market Forces” you are threatening not the general concept of freedom of speech for all Americans, but the specific freedoms of yourself, and your children. If Market Forces are allowed to control access to the internet, sooner or later you, or your children, will be banned from the internet based on the content of your speech.

Mr. Blilcy, No man is an Island, entire of itself; every man is a piece of the Continent, a part of the main. We are all part of mankind; therefore, never send to know for whom the bell tolls; it tolls for thee.

Sincerely,

Thomas Lewis Bonge

cc: The Honorable John D. Dingell, Ranking Minority Member

The Honorable W.J. "Billy" Tauzin, Chairman,
Telecommunications, Trade, & Consumer Protection Subcommittee

The Honorable Edward S. Markey, Ranking Member,
Telecommunications, Trade, & Consumer Protection Subcommittee

The Honorable Susan Ness, Commissioner, Federal Communications Commission

The Honorable Harold Furchtgott-Roth, Commissioner, Federal Communications Commission

The Honorable Michael Powell, Commissioner, Federal Communications Commission

The Honorable Gloria Tristani, Commissioner, Federal Communications Commission

Ariana Cha, Business Reporter, The Washington Post

Michael Abramowitz, National/Congressional editor, The Washington Post

Charles R. Babcock, Business/enterprise editor, The Washington Post

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RE: Proceeding 00-30

To the FCC Commissioners

Ladies and Gentlemen:

The internet is in crisis. Your decision will either save it or guarantee its destruction as a form a communication for the average citizen. The internet was designed as a form of communication, not as a tool of commercial concerns to sell "content" to their subscribers. But to communicate on the internet, first you must get access to the internet.

You are considering a merger between to two most powerful gatekeepers to the internet. The question is, will I be able to enter through that gate? And, once there, may I voice my concerns on important social, political, and even commercial concerns, or will I be summarily banned because the gatekeeper doesn't approve of what I say?

The rules of AOL and Time Warner are extremely clear; if they do not approve my speech, I cannot speak. I am not allowed on the internet unless I defer to their opinion, not voice mine. And, if I decide to use the internet to send data, rather than merely purchase "content" from Time Warner and AOL, I am again summarily speed capped or banned from the internet. Their Acceptable Use policy states:

IF TIME WARNER DETERMINES THAT THE SUBSCRIBER HAS FAILED TO COMPLY WITH THE SERVICE'S STANDARDS OF CONDUCT OR LIMITS ON BANDWIDTH UTILIZATION, TIME WARNER MAY SUSPEND SUBSCRIBER'S ACCOUNT. TIME WARNER COMMUNICATIONS SHALL HAVE THE SOLE AND UNREVIEWABLE RIGHT TO DETERMINE WHETHER CONTENT VIOLATES THESE STANDARDS.

Why does Time Warner have the SOLE AND UNREVIEWABLE RIGHT TO DETERMINE WHETHER CONTENT VIOLATES THEIR STANDARDS? Why can't I post comment based on MY standards, not theirs? And, when I purchase UNLIMITED SERVICE, why can they then establish bandwidth limitations? Is this unlimited service? Is not a company required to deliver what the customer pays for?

I regularly correspond with users from many foreign countries. Their ISP's cannot control their speech. Why does not an American citizen have at least the same freedom of speech as do the citizens of foreign countries? We taught them the value and power of freedom of speech. Must they now teach us how to avoid its death at the hands of commercial mega-corporations concerned only with their sale of content?"

If AOL and Time Warner are allowed to take over the responsibility of deciding who can say what to whom, how will you return the internet to its stated purpose of a media of public discourse? How will you put the

genie back in the bottle? How will you explain to me why my viewpoint is so offensive that I must be barred from the internet?

I sincerely entreat you to consider me, and all other citizen users of the internet. Please, when you make your decision, insure that I can continue to use the internet, and specifically that high speed access will not be denied to me based upon the quantity or content of my speech.

Sincerely,

Jonathan Bailin, Ph.D

To the Commissioners:

The Internet is an international community. It is America's gift to the world. It is a gift that will, sooner or later, touch the life of every citizen of every country. It will likely be the greatest force for freedom the world has ever seen. Where there is freedom of speech, no other freedom can be far behind.

Gentlemen, what would be your reaction if I were to suggest that you institute the following rule?

IF THE UNITED STATES GOVERNMENT DETERMINES THAT THE SUBSCRIBER HAS FAILED TO COMPLY WITH THE SERVICE'S STANDARDS OF CONDUCT OR LIMITS ON BANDWIDTH UTILIZATION, THE UNITED STATES GOVERNMENT MAY SUSPEND SUBSCRIBER'S ACCOUNT. THE UNITED STATES GOVERNMENT SHALL HAVE THE SOLE AND UNREVIEWABLE RIGHT TO DETERMINE WHETHER CONTENT VIOLATES THESE STANDARDS.

It is obvious that the courts would not allow you to make such a rule. If the courts did not intervene, the Congress would. And if the congress did not, there would be a major revolt among the general internet population.

But you may be making exactly such a rule - not by mandating it, but by failing to prohibit it - because, of course, the hypothetical, and ridiculous, rule is merely the current standard of Time Warner. And I believe, or at least hope, that my comment is the beginning of that internet revolution.

There was a time when you believed that market forces would sufficiently protect the internet; and the internet community applauded your action. If there is anything the internet community despises more than rules, it is only the loss of freedom to speak one's mind. But the internet community has recognized that there are now no market forces at work. There is only the AOL- Time Warner megalith. They, in high speed access, are the only game in town. We, the internet community, must recognize that it is only the rules we so despise that will protect our freedom.

There has been much discussion that AOL and Time Warner are merely protecting their customers by instituting such restrictive regulations. Our founding fathers long ago wisely decided that the only thing worse than freedom of speech was the lack of it. Would that there were some way to outlaw only BAD speech - but experience has shown that it is impossible to keep from throwing the baby out with the bathwater.

Consider this; AOL and Time Warner are aptly called gatekeepers. They have the power, now, today, to terminate my account for posting this message. And they may do just that. Both Time Warner and AOL have the sole and unreviewable right to determine whether content OF THIS COMMENT violates THEIR - not your -standards.

Does a criticism of Time Warner violate their standards? Do you know? More to the point, do you CARE?

Worse, they have the power to keep me from accessing the United States Government computers, including your site. Do you want them to have that power? Yes, they would NEVER do that. Today. How about tomorrow? Do you REALLY want Time Warner and AOL to control the gateway to the United States Government? If they do, ask yourself this - who will be the government, and who will be the governed?

Gentlemen, there is no way to outlaw only bad speech; so you must insure that no speech is outlawed.

Thank you for your attention to my comments.

Robert Mumby

I think that this merger laughs in the face of American Internet users.

We have gone after Microsoft as a monopoly so why would we want to let to giants of the Internet Access community merge into one huge controlling company.

I am a current Time Warner subscriber. In recent months I have seen changes to my connection that I believe are related to this merger. Time Warner has cut the bandwidth allowed to subscribers in have and still continue to charge to same amount of money. This is unacceptable.

Time Warner and AOL both have unacceptable censoring policies. The Internet was meant to be free. We in the United States are supposed to have the right to free speach yet they try to limit it. This is also unacceptable.

In conclusion, I ask you to seriously consider declining the merger. These companies should be kept separate and in competition with each other. They should not be allowed to grab such a huge market share. Thank you for your time.

Pat Buskey

To the FCC Commissioners

Gentlemen and Ladies:

As a potential user of Time-Warner cable access to the internet and having been made aware of the following two policies:

1: TIME WARNER COMMUNICATIONS SHALL HAVE THE SOLE AND UNREVIEWABLE RIGHT TO DETERMINE WHETHER CONTENT VIOLATES THESE STANDARDS.

2: IF TIME WARNER DETERMINES THAT THE SUBSCRIBER HAS FAILED TO COMPLY WITH THE SERVICE'S STANDARDS OF CONDUCT OR LIMITS ON BANDWIDTH UTILIZATION, TIME WARNER MAY SUSPEND SUBSCRIBER'S ACCOUNT.

Since there are no other means of high speed access in this except Time Warner, I hope you will require Time Warner to for go these two policies and allow me, a responsible adult, to determine what I upload and download to and from the net. For example, I have created and support a family owned business selling Arctic Cat Snowmobiles, see ArcticAdventures.com. Should Time-Warner enter into an agreement with Polaris, my content could be deemed in violation of Time-Warner's standards and lose my ability to maintain the site.

I am not asking for the right to sue, there is enough of that going around already. I am asking that Time-Warner not be permitted to be the censure of what I am allowed to view and publish. I am quite capable of doing that myself.

James L. Miller
k611jlmc@ulster.net

To the FCC Commissioners

Gentlemen and Ladies:

The Internet is in mortal danger, and you will make the decision on whether it lives or dies as we know it today.

From the time it was invented, the Internet has been a medium of public exchange of information. Often this information has been useful in daily living, sometimes it has been controversial, occasionally it has been offensive to someone. But I have had the freedom to post it without fear of being excluded from the Internet.

I no longer have that right if I wish to have high-speed access. There is no effective high-speed access except Time Warner. Time Warner adds this clause to its acceptable use policy states:

TIME WARNER COMMUNICATIONS SHALL HAVE THE SOLE AND UNREVIEWABLE RIGHT TO DETERMINE WHETHER CONTENT VIOLATES THESE STANDARDS.

The "standards" are such that absolutely anything I post could be considered to violate them.

Even if I do not violate these standards, if I purchase "unlimited access" as soon as I try to use it, I am either speed-capped or terminated. The acceptable use policy states:

IF TIME WARNER DETERMINES THAT THE SUBSCRIBER HAS FAILED TO COMPLY WITH THE SERVICE'S STANDARDS OF CONDUCT OR LIMITS ON BANDWIDTH UTILIZATION, TIME WARNER MAY SUSPEND SUBSCRIBER'S ACCOUNT.

It appears that Time Warner wants only customers who do not upload any comments and who use the service merely to purchase additional services. As I have been using the Internet for quite a long time to communicate, not spend money with Time Warner, Time Warner doesn't want me.

It appears that you will approve the AOL Time Warner merger in some manner. If you do not act to require the merged company to return to the basic principles of freedom of speech, there will be no hope for people like me who want to communicate, not purchase more Bugs Bunny cartoons. The new company will totally control high-speed access. People like me will not be allowed on the Internet through the new company.

It seems that you will establish some protection for the large corporations. **Will you protect me too?**

The Internet is a creation of America, and shows the world the power of freedom. It will be a sad commentary if the country which created freedom kills the most powerful voice

for freedom now existing in the world. It will be a reflection on our country if all citizens of the world have freedom of speech on the Internet, except American citizens.

As the Internet was designed for the citizens, not the corporations, I sincerely hope you consider me when you make your decision. If you do not, I believe that the result will be the death of the Internet as a powerful force for freedom in general, and freedom of speech in particular.

Thanks for your consideration,

Richard Culler
5458 North Road Orangeburg, SC 29118

To Whom It May Concern:

The Time Warner/AOL Merger is soon to come to life. That much seems to be a given. However, as a result of this merger, if left unchecked, could be the undoing of the Internet, the very vehicle which made much of the merger a possibility, if not the singular cause.

Time Warner includes in its' broadband service the restrictions that the content of its' users traffic be deemed by Time Warner as appropriate and/or acceptable. I would question 'Acceptable to whom?' The very reason for the success and continuing growth and widespread use of the internet and the world wide web is that it provides a place, a forum, a sanctuary for free-thinking peoples to gather, exchange information, or simply find entertainment in an environment that neither restricts nor passes judgement on what is 'right' or 'acceptable'.

We all know that what is acceptable by one my be offensive to another. This is why the 'net' is such a success. To be free of such strictures.

I would encourage you to act decisively to maintain the spirit of the Internet, if not ensuring its' continued success, by not allowing service providers to determine the acceptability of a user's content in whatever form it may take on the Internet. To allow such an intrusion would be similar if we allowed gas stations or the oil companies to dictate how we use our vehicles which consume gasoline or diesel fuel, simply because we put their product in our tanks. Seems ridiculous doesn't it?

It would be great if we could allow commerce to judge the success of this latest venture of Time Warner; I'm confident that in time, as more and more users become aware of this 'Content Nazi' policy of Time Warner, that they would abandon the service. Unfortunately, at this time, Time Warner is the sole provider of broadband technology. This definitely allows them to maintain a monopoly on this service, and with such restrictions as referred to above, would greatly inhibit the free speech of any that would wish to use better technology, if only they wish to subscribe to the price required. My freedom is worth more than that. And I would hope yours would be too.

Sincerely,
John Rouze

I keep reading comments like this:

Why does Time Warner have the **SOLE AND UNREVIEWABLE RIGHT TO DETERMINE WHETHER CONTENT VIOLATES THEIR STANDARDS?** Why can't I post comment based on **MY** standards, not theirs? And, when I purchase **UNLIMITED SERVICE**, why can they then establish bandwidth limitations? Is this unlimited service? Is not a company required to deliver what the customer pays for?

The standards referred to are not comments, but rather things like child pornography or running a business on a residential account. Unlimited service is having unlimited access to the service, not unlimited speed. How much will these same people complain if there are no speed caps imposed and one user in the neighborhood gets on and starts downloading hundreds of files simultaneously, effectively using up all the bandwidth available so other users are experiencing dial up speeds. I have experienced this myself and since the speed caps have been in place my service has dramatically improved! Time Warner is a business and like any business I am sure that they reserve the right to refuse service to anyone. Can the government require a business to give everyone service regardless of the rules that some customer may break? Time Warner is **NOT** a monopoly in the high speed internet access business. I have two choices for cable modem access, Time Warner and GTE, and multiple choices for xDSL access – another high speed internet option. Cox Cable, Insight Communications, AT&T Broadband – all these companies offer cable modem access.

I firmly believe that open access should be enforced. However, you should think before imposing restrictions and not just base a decision on the **FORM LETTER** rants of a few people who are dissatisfied with their service or the restrictions placed on them. Be careful what you ask for. You may not like it once you get it.