

Eldon M. Braun
1835 Stockton
San Francisco, CA 94133

To the FCC Commissioners

Ladies and Gentlemen:

I think you should carefully consider what powers you are about to transfer to AOL/Time Warner.

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 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 can be 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? This is extralegal. The determining factor should be whether content VIOLATES THE LAW! That's how it is with the telephone, mail and private courier services, and that is how it should be on the Internet.

Also, 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 spend considerable time in France. Foreign ISP's operate according to legal boundaries. European governments haven't subjugated their legal and regulatory systems to the whims of major corporations.

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: a medium of public discourse?

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,

Eldon M. Braun

“