

From: "Paul" <kflaherty@nyc.rr.com>
To: <jalex@escape.com>
Subject: Time Warner / AOL Merger
Date: Thursday, September 28, 2000 4:37 PM

This was on alt.binaries.misc but would be gone by the time you got to it so I copied it into this email.

The AOL - Time Warner merger is about to be approved by the FCC - BUT - the FCC WILL REQUIRE SOME CONDITIONS! That is Definite! Will the conditions protect ONLY THE CORPORATIONS or will they also protect YOU the END USER?

At this point a very small effort on your part can well induce the FCC to REQUIRE OPEN ACCESS - I.E. NO CENSORSHIP - for the end user - YOU - as well as outlaw speed capping for people that upload to USENET or IRC.

PLEASE HELP PROTECT IRC and USENET! SEND THIS LETTER TO THE FCC!

----> This is NOT an EMAIL which will be ignored! <----

This response by you will be an OFFICIAL FILING! It will appear in the OFFICIAL PROCEEDING as a comment read by ALL THE ATTORNEYS who are participating in the action, as well as ALL THE FCC COMMISSIONERS! It will remain there FOREVER as part of the OFFICIAL RECORD of the AOL - Time Warner merger! With YOUR name on it!

The FCC is on the verge of requiring the protections this letter asks for. Your letter might PUSH THEM OVER THE EDGE and make the internet a BETTER PLACE for EVERYONE, INCLUDING YOU!

MAKE A DIFFERENCE TO USENET AND IRC! This letter WILL MAKE A DIFFERENCE if there are enough of them received by the FCC. If at least 300 letters are received, we can probably count on the FCC to take decisive action to prohibit both censorship and speed capping.

1. Copy the letter to a file. You can put it on your letterhead with MS Word or just use a text file. You can make any change to the letter you want, or add any comment you have. CHANGES ARE GOOD! They show you READ THE LETTER and REALLY CARE! If you had a bad experience with AOL or Time Warner PUT IT IN!

2. go to:

https://gullfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/upload_v2.hts

(This is the official FCC page where electronic filing of petitions is accomplished)

3. Fill out form

Put your name, Address, Email address, and all other required information on the form. (Remember this is an OFFICIAL FILING so the FCC requires this information. It is not published unless you put it in the letter as well as the form)

Proceeding is

00-30

(this is VERY IMPORTANT, it is the case number of the AOL TIME WARNER APPLICATION for merger. If you get it wrong, your comment WILL NOT BE FILED!)

4. Send form.
5. After you send the form, THEN select the filename of the letter you are sending, and send that.
6. After you send the file, you will receive an official confirmation of the filing from the FCC.
7. Comment will appear for all to read in about 4 hours (but won't appear on the weekend.)
8. If you want to see your letter, or read the other submissions, other letters, the AOL petition, the Disney or Consumer's Union objections, etc, here is the URL - Its long!

https://gullfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.hts?ws_mode=retrieve_list&id_proceeding=00-30&start=1

IF YOU LIVE N A FOREGN COUNTRY and wish to make a comment (This is a world wide problem) the Cover Sheet will not accept your address. You can do this: Enter your real name and address including country in the address lines, but in the STATE box put CA and in the ZIP (first field) put 90001. Ignore the 2nd zip field. Ignore the 2nd form, and TYPE your SHORT COMMENT in the 3rd form. Please identify the country you live in the message. Don't use the sample letter supplied because it isn't appropriate for non-US residents.

***>Remember the FORM INFORMATION will NOT appear, only the letter.

NOTE: There is NO WORD WRAPPING on the letter below, to make it easy for you to format so it may be hard to read until you copy it, depending on your news reader.

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.