

10/20/00

RE: proceeding 00-30

Gentlemen and Ladies:

From the former Soviet Union to Bosnia and the middle East we have seen time and time again what a free untrammled Internet can do to foster democratic values and act as a check on tyranny of a government or of individuals or economic enterprises that would otherwise run rough shod over the freedoms of people who wish to find a non violent means to express ideas and ideals.

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.

Time Warner policies foster 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 just purchase more cartoons and music. The new company will totally control high-speed access. They will exercise these restrictions unless prevented from doing so just as Time Warner did when they arbitrarily stopped broadcast of all KABC programming in violation of their agreements with their customers and their agreements with the cities that had granted them exclusive right to offer cable services in their community. It was only through a huge community and consumer outcry that this decision and the concomitant misinformation regarding their negotiations with Disney was reversed. If

they have their way it will be by crushing one persons freedom at a time as the path to corporate control of their consumer base. It seems that you will establish some protection for the large corporations. Will you protect me too?

By compelling TimeWarner to allow those that pay for the use of the Broadband pathways to have free expression and criticize freely those they choose in open forums the FCC will have preserved a source of immediate and open expression in the best tradition of those that founded this republic.

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 and your birthright 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.

With respect and fervent wish for your wisdom in this matter.

Stephen Mahoney

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