

October 13, 2000

Dear Ladies and Gentlemen of the Federal Communications Commission:

I do not feel that the proposed Time Warner (TW) - America Online (AOL) merger should be allowed to proceed. One corporation would decrease the number of choices available to the consumer. How could competitively offered services and rates continue? Recently, Microsoft was taken into court under Federal anti-trust laws. A few decades ago, "Ma-Bell" was broken up into the "Baby Bells." One would think that the approval TW - AOL merger to be contrary to these two prior courses of action.

Nevertheless, I believe that you will approve the merger in one form or another, but I hope that provisions are included that would allow the Internet to be used as a free medium of exchange without limits on quantity or content for the subscribers under the proposed mega-corporation's services.

As you may have read already, the following is current language from TW's terms of service:

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.

According to the statement above, TW could suspend my account if I express my political, social, or religious views through internet relay chat (IRC), usenet (commonly referred to as newsgroups), websites, email, file transfer protocol (FTP), or any of the other existing and emerging internet technologies that violate their standards. Under this provision, TW has the sole and unreviewable right to determine whether content violates these standards. It seems nonsensical that TW can socially engineer their internet services subscribers to follow TW's standards. I could have my account suspended for even filing this comment for your review file because it offends a shareholder of TW or AOL who stands to make a hefty sum of money from this merger.

Another concern I have related to the above TW provision is the limit on bandwidth utilization. If a user is paying for unlimited access, why is a limit being placed on their upstream or downstream bandwidth? This is yet another way for TW to censor and limit their subscribers' accounts.

One would say, "How can a company impose such open-ended, restrictive provisions on their customers? Why don't they just subscribe to a different high-speed internet access service." My response: where else can they go to subscribe to this service if this corporation is the only one in their area? Would this provision be lifted if the approved merger were to take place? I sincerely doubt it. In fact, it could become even more restrictive as consumers would have less alternatives for internet access.

The Internet should be a free medium of exchange where one is able to express their social, political, economic, and religious views. There

should not be limits placed on the quantity or the content of their views. You have the daunting task of determining the current and future fate of the Internet for everyone in the United States of America and, ultimately, the world. Hopefully, the winner will be the everyday Internet citizen rather than this proposed mega-corporation.

Thank you for your attention in this matter.

Sincerely,

F. Joe Mazur III