

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. I have personally been using the internet since 1989, through a proxy server, when I used my dos-based home computer to access it through a basic text-style client, had to manually configure my tcp/ip settings and so on. I have watched as the internet has changes, with the advent of windows, and later windows 95, 98 and so on, I have watched as new technologies have been developed, such as faster modems than the one I originally owned, which was a 1200 baud modem, and at the time this was considered quite fast, after all I was lucky to have a 20 meg hard drive. I have watched eagerly the developement of HTTP as a protocol, all the way up to MP3 audio, which I started using while the format was still in it's infancy several years ago, and I had to explain to friends what I was talking about when I said MP3, I have watched as programs such as Macromedia Flash and similar ones have made internet based animated comics available, as sites and technology grow ever more powerful, and as the amount of information available has become greater and greater. 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 have used the internet recently, and I do so now, through my Time Warner "Road Runner" cable modem, for downloading and sharing files such as animation from other countries, such as japan. I enjoy doing this, as it is a hobby of mine, and I run an FTP server for other fans of such said japanese animation, or Anime, which hosts files that are not yet available through domestic distributors in the US, and are not covered under US. copyrights. I have been doing this since 1992, when I personally ran a BBS system of this nature, based on the WildCat BBS hosting program. I enjoy the right to set up my computer to be accessed by anyone at any time for the purpose of sharing this media, as it is both a hobby and a passion of mine, and in doing so I am not breaking any laws. I also post many of these files to USENET, but have been informed that doing so violates standards of acceptable bandwith usage.

I no longer have that right if I wish to have high-speed access. There is no effective high-speed access except Time Warner. I have tried DSL through AT&T and MSN, but neither of them had the stability OR speed which Time Warner Afford. However, 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.

I have had several friends who use Time Warner "Road Runner" service have their data upload stream "capped" due to the fact that they were doing exactly the same thing I am doing. None of them were breaking any laws, but Time Warner decided that they were violating the "Acceptable Use Policy" and has severely limited what they can do on their service. Of these frinds, only 1 remains on Time Warner. The other 4 persons whom this happened to appealed to Time Warner,

and were refused, 2 quit the service, 2 continued doing what they were doing, and had their accounts terminated as a result. They were punished for doing something perfectly legal.

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.

I also use the home computer in concordance with my Laptop PC, as I work on Arcade video game cabinets and electronics, and I have built a large database of manuals, schematics, wiring diagrams, pinouts, and so on, which I keep on my home computer, and access it from job sites, through Symantec Software's PCAnywhere program. At one time, I had contacted Time Warner at one time for a completely different reason, and they specifically asked if I was the person in my apartment complex doing this - as I was told by the technician, they can tell I am doing this, and were not sure if it was me or one other tenant of my complex. The fact that they track my usage, and knew what I had done without my volunteering this information, disturbed me greatly. I was told that as that was not the nature of my call, I was not officially being reprimanded, but was simply given a "friendly warning" that doing this was against the Acceptable Use Policy, and that doing so in the future COULD possibly result in a speed cap, or termination of service.

I also had trouble of wanting to hook my laptop computer into the service when I am at home, to update my drivers, email, etc. I was told I could not do this, that using the service on more than one computer at one time was a violation of the Acceptable Use Policy. Previously, when using DSL service, I was informed that all I need do was pay an additional \$1.50 per month for each additional PC. This was quite convenient, as I have 4 computers, including my laptop. With Time Warner, I was told I could NOT do this, that I would have to purchase an additional account for each computer, or upgrade to a commercial or professional account. Even running just 2 computers would cost me an additional \$42.05 per month, a lot more than the \$1.50 through DSL. If I had not been so disappointed at the instability and decreased speed I experienced through DSL, I would still be using it.

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, even though we are not doing anything illegal.

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. Already I have seen several websites shut down because the nature of them was not acceptable in the eyes of the government, though if the same content that was on these sites were published in a book, it would not be illegal, the book would not be recalled, it would be protected under Freedom of Speech laws.

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.