

01 October 2000

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. 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.**

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.

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.

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.

David Porterfield