

October 9, 2000

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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 of 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.

I have received numerous offers from AOL promising me anywhere from 250 to 500 hours of free internet time if I will only subscribe to their service. Yet when I read the fine print, I find that those hours must be used within the first calendar month of service or they are lost. I did the math: in order to use 250 hours of internet time, I would have to be online 8.5 hours per day for the entire month. To use up the 500 hours I would have to be online for 16.75 hours per day for an entire month. My average Internet usage at home is about two to three hours. I wonder that there has been no investigation of such deceptive advertising on the part of AOL. I see their media ads and no mention is ever made of the time limit for using up those hours.

You are considering a merger between 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?

As long as I am not posting content that is objectionable according to FCC standards, why should Time Warner or AOL have the right to determine what is acceptable and what is not. I do not use AOL as my ISP only because I receive a better value elsewhere. Will other ISP's be forced out of existence because Time Warner/AOL decide they can no longer have bandwidth unless they comply with some arbitrary standard that changes yearly?

There is also the matter of making certain Instant Message services are able to communicate with one another. I currently use ICQ, AIM, and Yahoo's service in order to maintain contact with friends across the world. It would make so much more sense to make all these platforms capable of connecting with each other without hassle. Why should I be forced to choose which of my friends I can contact due to the restrictions of one IM service that make it impossible for all services to cross connect. With all the advanced virus detection and firewall software out there, the average user will not be able to disrupt a system, nor does he have interest in doing so. 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 on the Internet as the citizens of foreign countries have? 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 all other citizens, and myself as 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.

Sincerely,

Theresa A. Roden