

To the FCC Commissioners

Gentlemen and Ladies:

Freedom of speech is in danger, and you will make a decision which will impact 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 will not have that right if I wish to have high-speed access through Time Warner under their proposed customer contract & conditions. There are few effective high-speed access providers in my area besides Time Warner. Time Warner adds this clause to its acceptable use policy:

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 may be 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 large amounts of information or comments and who will 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 may discriminate against 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 have great control over high-speed access in my area. People like me may 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 (originally through efforts related to the Department of Defense), and shows the world the power

of freedom. It will be a sad commentary if the country which created freedom muffles 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 more freedom of speech on the internet than 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 weakening of the internet as a powerful force for freedom in general, and freedom of speech in particular.

Sincerely

Scott F. Schenck