

December 20, 2000

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RE: AOL / TIME WARNER MERGER

To Whom It May Concern:

As it now seem that the FTC has approved the merger of two very controlling companies, it now falls to you at the FCC to ensure that we the CONSUMER is protected. To this end I would like to share my ongoing experience with AOL & TIME WARNER.

Six months ago we subscribed to AOL in order to be able to have an Internet service provider until such a time as we could upgrade to a cable modem. Two days after we installed AOL, we received an offer to have a cable modem installed. We promptly notified AOL that we where disconnecting the account and going to broadband. This is when the problem begins.

First, the AOL software even after being uninstalled per AOL instructions, the required drivers for our cable modem service could not be installed. The only way to correct this problem was to do a complete re-install of my entire computer operating system. This task cost me time and valuable data. Why is AOL allowed to create software that takes control of your PC. Please not at this time on the ROAD RUNNER of the MIDSOUTH support site there is a special note about AOL version 6.0 not allowing Road Runner service to be installed.

Second, AOL continued to bill us for the discontinued service, charging us for 3 months of service. When I tried to call them, I was told that the account could not be cancelled on the phone but only in writing. This is NOT stated in any user agreement anywhere. AOL refused to refund the charges to our credit card. Only after we provided our credit card company with the names of the people that we talked with at AOL where the charges refunded. This was 4 months after our first call to AOL.

Third, we tried sending e-mail to the CEO of AOL, and we did get a response. This response basically told us that AOL would not refund the charges and advised us NOT to send e-mail to the CEO has this was a violation of their corporate e-mail policy and could result in legal actions being taken against us.

Fourth, we have on numerous occasions called and written to AOL and asked them to remove us from their mailing list, but to this day some 7 months later I have received over 300 different mailings from AOL.

Fifth, why must we the consumer be flooded with the continued JUNK mail of CD's? Not just the junk mail, but in our magazine subscriptions, on products that we purchase? Why is AOL allowed to ACT as the GOD of the Internet?

That is our dealings with AOL. Now to discuss our dealings with Time Warner Cable of the Midsouth, and Road Runner of the Midsouth.

Our most recent struggle with Time Warner has been over my access to the Internet. In recent weeks Time Warner has placed a cap on my Internet access, I am limited in speed and to what content I can view. Time Warner denies this, but daily it continues to happen. One example is the fact that it took over 5 min to load your site so that I could submit this comment to you.

I have made in the last 5 days 25-phone calls to Road Runner because my password to manage my account would not work. During the calls, I have been hung up on, told that I am not competent to have internet access, advised that I had my password and if it did not work there was not any thing they could do, to just deal with it. My request to speak with management are denied, names of managers or corporate officers are withheld. I was even told that Road Runner does not have a corporate office. I later found that number and was told they did not care how the service was handled, and confirmed what the local people said. I quote " Road Runner is the only high speed service available to your area, you have no choice but to either use dial up or accept our service as is." Now I pay \$40.00 dollars a month for that kind of service, and that is just for road runner, and does not include cable.

Time Warner cable here as told me on more than one occasion, quote " You cannot have a satellite dish and our service to, we HAVE TO TAKE YOUR DISH WITH US, in order for you to have Road Runner or cable." Now where is that legal? I had to threaten a lawsuit to keep my road runner service and my dish, and my basic cable. Time Warner has tried three times to take my dish down.

A few months ago, my mother came to her home to find that Time Warner had left a notice for her that a tech working in the area has noticed her dish, and had disconnected it, because she could not have the dish and cable. WHY? All Time Warner will say is, we do not have to allow you to have a dish.

Recently our local power company MLG&W has been working with a new company called NETWORKX to bring some completion to the broadband services and cable here in our area. Dena Deyo and Time Warner have been doing all they can to try to STOP this completion. Time Warner is a MONOPOLY here in the CABLE and INTERNET service. Why are they being allowed to merge with AOL to create an even bigger monopoly?

When asked why cable TV, and cable modem service is cheaper in other cities, Mr. Deyo responded, "Completion, and that is something that we CANNOT allow to happen in Memphis, TN."

I ask you to look very closely at this issue. Do not be like the FTC and allow the money from the two giants to sway your decision. You have taken an oath to serve the public, so serve us. **PREVENT THE MERGER OF THE GIANT.** Look at the whole picture. Look at all the two companies would control.

Require that AOL open it instant messaging, and it's service. Require that TIME WARNER support competition and that they will take no action to prevent competition. Force Time Warner to sell some of it's current holdings. The new merged company should not control the MAJORITY of cable systems as well as a large portion of their content.

Protect the consumer!

Thank you very much

Gary Wilkerson