

Jonathan Bailin, Ph.D.
SPORTS MEDICINE & ERGONOMICS
Exercise Physiology/Biomechanics/Ergonomics
11848 Atlantic Avenue
Los Angeles, California 90066
310/390-8309 rsi@usc.edu

RE: Proceeding 00-30

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 a 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.

You are considering a merger between to 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?

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 as do the citizens of foreign countries? 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 me, and all other citizen 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,

A handwritten signature in black ink that reads "Jonathan D. Baili" followed by a stylized flourish that resembles the letters "PH".