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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 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 explain to me why my viewpoint is so offensive that I must be barred from the internet? Our constitution allows me to have freedom of speech, yet if these rules are accepted, you will in effect, be denying me this freedom because someone who provides access to a public forum has decided that my speech and/or language is inappropriate.

Additionally, why should the company be able to suspend my access to the internet based on bandwidth limitations when they are specifically billing me for “unlimited access” to the internet. Isn’t this the same “bait and switch” tactic that has been made illegal in this country? If, in their service agreement with me, they state that they will provide unlimited access, then they should be held to their stated obligation. They should not be able to state in writing that they will provide unlimited access to the internet and then invoke a legal ruling to the contrary.

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, appearing to read "Keith McMonigle". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Keith McMonigle, CPA