Submitted by David E. Ross (a private citizen representing himself)  

Via the Internet, I am able to obtain vast amounts of information. I obtain this information from Web pages, E-mail messages, and NNTP (network newsgroup transfer protocol) discussions. (For details about NNTP, see <http://www.big-8.org/dokuwiki/doku.php>.) I also obtain software applications that aid my use of the Internet. I obtain this information, however, not from the Internet itself. I obtain information from servers that are connected to the Internet. The Internet itself is a communication service that connects my PC to servers. Thus, I assert that the Internet is indeed a telecommunications service.

If my assertion is valid, then the following must be considered:

- The Internet as a telecommunications service includes the routers and domain name servers (DNSs) that facilitate communication even though these are servers.

- As telecommunications services, those companies that operate the Internet should be designated as common carriers and exempted from civil and criminal liability for any content traveling through their systems. For those companies that provide both telecommunications services and information services, this designation should apply only to the former and not to the latter. Thus, the exemption from liability would not apply to Web content hosted by those companies’ Web servers or to E-mail content originating from those companies’ mail servers.

- Providers should not be allowed to bundle telecommunications services with information services at a discount. Offering discounts to customers of bundled services is contrary to the common carrier concept.

Internet providers argue that they need flexibility to deal with users who consume excessive bandwidth while downloading music and videos and sharing files. The providers claim that flexibility would not be available as telecommunications service common carriers. However, unsolicited commercial E-mail (“spam”) may be consuming far more bandwidth than users downloading or exchanging large files. Some 80% or more of E-mail messages delivered through the Internet might be spam; further, many of those message are large and include large graphics files. Currently operating as information services providers, however, they have failed to take effective action to curtail spam. Thus, arguments about users consuming bandwidth should be ignored. (In the meantime, existing federal legislation against spam has proven ineffective.)