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October 24th, 2012

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Dear Attorney General,

Re: My form 2000F complaint to the FCC about Google Fiber's terms (ref#12-C00422224-1)

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## I: The short story - Complaint to the FCC, and their referral to the Attorney General

Hello, my name is Douglas McClendon. I was born in Lawrence, and currently reside in Kansas City, Kansas. I have recently been directed to your office by the Federal Communications Commission after I registered with them the following form 2000F - 'Network Neutrality'<sup>1</sup> - complaint against Google's new fiber internet service to the Kansas City area -

--- begin FCC complaint reference #12-C00422224(-1) ---

Google's current Terms Of Service[1] for their fixed broadband internet service being deployed initially here in Kansas City, Kansas, contain this text-

"You agree not to misuse the Services. This includes but is not limited to using the Services for purposes that are illegal, are improper, infringe the rights of others, or adversely impact others' enjoyment of the Services. A list of examples of **prohibited** activities appears here. "

where 'here' is a hyperlink[2] to a page including this text-

"Unless you have a written agreement with Google Fiber permitting you do so, you should not host any type of server using your Google Fiber connection"

In my professional opinion as a graduate in Computer Engineering from the University of Kansas (and incidentally brother of a google VP) I believe these terms of service are in violation of FCC-10-201.

[1] <http://fiber.google.com/legal/terms.html>

[2] [support.google.com/fiber/bin/answer.py?hl=en&answer=2659981&topic=2440874&ctx=topic](http://support.google.com/fiber/bin/answer.py?hl=en&answer=2659981&topic=2440874&ctx=topic)

--- end FCC complaint reference #12-C00422224(-1) ---

Note that the online form 2000F also including selecting Google as the target of the complaint, and fixed broadband blocking (as opposed to transparency or discrimination) as the alleged rule violation. The FCC responded (see appendix A) rather tersely that -

"  
The matter you have outlined in your correspondence does not come under the jurisdiction of the FCC. Included below is contact information for an agency that may be of more assistance (Kansas Office of the Attorney General)  
"

That response I take one of two ways. Perhaps a bit more likely, it is just a form letter response they give to 90+% of complainants. Or alternately I hope that it means that they didn't find my complaint to be so baseless as to bother giving me a sentence or two of education as to why. **Note:** A Navy Information Warfare Officer<sup>2</sup> recently publicly said that the October 1st draft<sup>3</sup> of this manifesto was "very good"<sup>4</sup> and agreed with what I had written on Network Neutrality here.

Operating under the assumption that there is a legal basis for this complaint, which may be under your jurisdiction instead of the FCC's, I hereby officially submit the same complaint for your consideration and subsequent action or feedback. I'll also add justification and commentary here that I wasn't able to fit within the limits of the online 2000F form.

## **II: The motivation - Why being allowed to host servers on the internet is important**

Perhaps the centrally amazing aspect of the internet, described in technical terms, is that it was designed to allow each device connected to it, to dispatch a connection initiation request to any other device on the internet, and then upon that device's discretion(/decision/programming), engage in further two-way communication. The traditional terminology for this arrangement in computer science is 'a client/server communication session'. The 'client' being the device that sends the first connection initiation request. The 'server' being the device that listens for such requests, and responds to those it wishes to. The most typical example is a 'web server' sending 'web pages' to 'client personal computers' that have requested those pages.

Google, Amazon, and other large (and many small) corporations have made countless billions of dollars in the business of operating servers connected to the internet. Wikimedia/pedia as well as countless educational institutions and even individuals have contributed to the mass of life enhancing content available to all of us on the internet by hosting their own servers. All of these servers provide innovative services to countless clients such as every webpage viewing internet user.

The concept of 'Network Neutrality'<sup>5</sup>, embodied as the 2010 'FCC-10-201 Report and Order Preserving The Open Internet'(see appendix B), is meant to protect innovators who serve their community from being held hostage to the quasi-monopolies that control the actual transmission lines of the internet. Google in fact has been a vocal advocate of 'Net Neutrality' because they rightfully fear that without such ground rules, the networks that they and their client users purchase service from would start to 'gouge' them, due to the fact that without the networks/internet as a whole, Google could not offer innovative services to the internet at large. It is only with the deepest sadness that I assert that Google itself has fallen victim to the temptation to leverage its control over the new parts of the internet that it is laying down in Kansas City, to 'gouge' potential innovators, by forcing them to pay more for the 'general purpose technology'<sup>6</sup> of internet access, than those customers that are only consuming existing cloud services, instead of trying to provide innovative new ones. Note of course the prior statement will only become true when Google offers a more expensive 'business class' service. Currently Google has no transparent<sup>24</sup> public offer of internet service to Kansas City that includes no prohibition<sup>7</sup> against hosting servers. But in a sense, this is even worse as far as damaging the economic possibilities of innovative new uses of the gigabit fiber-optic internet infrastructure they are deploying.

The most enlightening single piece of evidence of Google acting hypocritically on this issue of Network Neutrality, is the following quote from Google's Chief Internet Evangelist, Vint Cerf. He happens to be widely credited as being one of two 'fathers of the internet'<sup>8</sup> alongside Robert Kahn, due to their work on the original "Internet Protocol", abbreviated IP, or more specifically IPv4 and IPv6 representing the two deployed versions that comprise what we know of as 'The Internet'. On Google's main IPv6 education web page<sup>9</sup>, Mr. Cerf writes-

"At Google we believe IPv6 is essential to the continued health and growth of the Internet and that by allowing all devices to talk to each other directly, IPv6 enables new innovative services."

## II (cont.): How IPv6 is a Game Changing Internet Technology Upgrade

The technical topic of IPv6 is also perhaps crucially important to this issue, because with Google's groundbreaking deployment of the IPv6 upgrade to residential end users over the aging IPv4 protocol, Google is actually one of the first ISPs to not be in the position to have a valid excuse for disallowing all end users to host servers. Namely there is one crucial resource needed to host a server that the internet at large can communicate with. That is an IP(v4 or v6) address. IPv4 addresses are legitimately a scarcity, and ISPs are reasonable in disallowing serving if it saves them money that they don't need to spend on scarce IPv4 addresses for all end users. However IPv6 is a revolutionary technology upgrade that does away with the scarcity of IP address issue. Now, there is no reason whatsoever that each and every person on the planet cannot have 64 or more permanent IPv6 addresses, and use them to establish personal lifelong presences on the information superhighway using their 5-10 year old dusty PC as a server, hosted against their residential broadband internet access. But Google Fiber's current Terms of Service prohibit hosting any kind of server. Thus blocking the vast field of innovation that Vint Cerf was referring to when he said that IPv6 will enable new innovative services by allowing all devices to talk **directly** to one another. In Google's view of the lowest-cost-tier residential world, all the devices in your home will be able to talk with all devices on the internet, but **only through a third party** with an actually 'neutral' IPv6 connection to the internet that allows devices to act **both** as a client and a server.

I strongly urge you, in pursuing this matter, to ask Vint Cerf if he believes that Google Fiber's "no server hosting of any kind allowed" terms of service are consistent with that(his) vision of internet innovation via IPv6, or the vision laid out in paragraph 13 of FCC-10-201. If he will go on record to that effect, I will be satisfied that I have misunderstood this highly nuanced and technical issue.

- Note that Dave Schroeder the Navy Information Warfare Officer<sup>4</sup>, did give me Mr. Cerf's email address at Google. Mr. Cerf did reply to me via email on October 8<sup>th</sup>, saying that Google Fiber was not his department, but that he would read the most recent draft<sup>10</sup> of this document and investigate further. In my initial message I warned him/Google that if I did not hear any resulting enlightening commentary from him and/or Google within a week, that I would submit this document to the Attorney General of Kansas. I did not hear anything back, and in fact out of frustration emailed him that I'd like to see Google rot in hell, before disconnecting myself and my website from the internet in protest and/or tantrum. I wish I could apologize sufficiently, or have the grace and faith or financial security to argue my points more patiently. But what makes it extremely difficult for me, even as one with a deep reverence for spiritual humility as a value, is the imbalance of this situation. I am no David<sup>(NIV:1-Samuel-17)</sup>, but Google surely is a relative Goliath. Google lawyers and executives maintain that months of absolute silence on this issue is an appropriate response, perhaps just because they find me obnoxious. But more crucially, because they seemingly don't see this issue as being legitimately unethically harmful enough to me or anyone else to justify any immediate action on their part. They are wrong. They should know better. I know enough of them well enough personally to be able to say that with some conviction.

### III: The legal basis of my complaint - 'Net Neutrality' / FCC-10-201 / 'Right To Serve'

First, please when reading the original complaint also focus on the last sentence of paragraph 13<sup>6</sup> of FCC's 10-201 Report and Order Preserving the Open Internet. I feel it is likely to be a cornerstone of any legal basis of my argument. Here it is verbatim -

"

Because Internet openness enables widespread innovation and allows all end users and edge providers (rather than just the significantly smaller number of broadband providers) to create and determine the success or failure of content, applications, services, and devices, it maximizes commercial and non-commercial innovations that address key national challenges- including improvements in health care, education, and energy efficiency that benefit our economy and civic life.

"

This is the key because it establishes a legal definition of the internet where **all end users** are able to innovate by providing **services**, commercial **and** non-commercial to the internet at large. I'll henceforth refer to this legal theory or interpretation as the "**Right To Serve**" (speech and information via your fixed broadband internet service connection). Note, the rest of paragraph 13<sup>6</sup> is also well worth considering, along with all of the entire Report and Order itself.

As a graduate in Computer Engineering from the University of Kansas, I assert that being 'prohibited from hosting any kind of server' on my fixed broadband connection, absolutely blocks my ability as an end-user of the internet to provide countless lawful commercial and non-commercial services to the community at large. I hope such blocking is currently a crime. If it is not yet, my opinion is that it should be, due to how general purpose communication infrastructures such as the internet, the traditional telephone system, and the interstate highway systems, should not be able to hold their commercial or non-commercial end users hostage to their natural and unavoidable business quest for maximal profits regardless<sup>11,12</sup> of social impact. I know some disagree with this. I was a devout fan of Ayn Rand and a card carrying libertarian for many years of my young adulthood. More recently I have come to believe that there are some general purpose commodity technologies that society can manage better than the businesses. I shudder to think of the prospect of BP or Shell acquiring I-70. Likewise, without enforced regulation (such as the existing language and spirit of FCC-10-201/NetNeutrality), I feel that allowing members of the \$100+Billion/year<sup>13</sup> cloud services industry to control their competitors access to the portions of the information superhighway that they build and control is a serious threat to our economic and communication freedoms.

After much peer debate, much of it more emotional than educational, on the Kansas Unix and Linux Users Association discussion forum<sup>14</sup>, one theory explaining the above FCC reaction comes to mind. It may be simply that my complaint about a line in Google's Terms of Service for its Google Fiber ISP to Kansas City does not fall under the FCC's jurisdiction because perhaps their jurisdiction only applies to what is happening 'on the wires/optics/airwaves' as opposed to in the legalese portions of terms of service documents. And as such, the line I am complaining about is not actually legally enforceable<sup>16</sup> because if it was enforced, then such enforcement would immediately fall under FCC jurisdiction.

I cannot really afford a lawyer to tell me their reaction to that analysis, so I would more than appreciate any response from your office to provide me guidance. I feel I may have some basis for a lawsuit against Google, in that by having such anti-competitive - but legally unenforceable - language in their terms, they are materially damaging my business's ability to secure investment funding for business models that depend on the 'Right To Serve'. Again for emphasis, 'Right To Serve' being the notion that neither Google, nor any ISP is legally allowed to prevent or block clients on the internet from utilizing servers hosted in my residence connected to my fixed broadband internet access connection (as per FCC-10-201 spirit and letter of paragraph 13<sup>6</sup>).

My argument that this behavior is anti-competitive, in a particularly large scale way, is based on the unavoidable conflict of interest I see when a company that has historically made vast amounts of revenue through profitably hosting and running servers on the internet, becomes an ISP with an effective monopoly on the transmission lines of the internet. Note of course Google hardly has a national monopoly on residential internet service provisioning. But one could fairly easily argue that they are about to within the borders of Kansas City, given the magnitude of the difference in cost per megabit of service between them and their nearest competitor. 100 to 1 is the difference they have been advertising. By blocking internet end users from being able to host innovative servers on their residential fixed broadband connections, Google is getting to play a kind of protectionism game with its non-ISP businesses that make money providing 'cloud' services on the internet, that they are prohibiting residential users from providing each other with over the 'general purpose technology'<sup>6</sup> of the internet.

#### IV: Some expected and possible counter-arguments and my responses

There are many counter-arguments that opponents of the 'Right To Serve' will offer to defend the commonplace existence of such anti-server-hosting language in residential fixed broadband ISP's terms of service. I've already alluded to the IPv4 address scarcity excuse as being temporarily valid, though inapplicable to this first residential broadband ISP offering<sup>15</sup> me IPv6 service for the first time to my home. Please note that I have spent the last couple months debating this issue with the most relevantly educated individuals, both on highly reputable public technical discussion forums, as well as privately with effectively the highest levels of Google's leadership if the Slashdot leak<sup>16</sup> is to be believed. The most common counter-arguments I've heard while debating this issue fall into these categories- security and service quality concerns, legal interpretation, and economic issues. I'll explain and reply to each of these chosen top 10 in brief detail one by one-

1. security: no safety of the old IPv4 NAT (p.8)
2. quality: impacting other's service, saturating the network (p.9)
3. security: new modes of non-snoopable communication (p.10)
4. security: zombie/hacked home servers, DDoS attacks (p.11)
5. quality: spam enablement (p.12)
6. legal: residential serving over fixed broadband is not the intended scope of 10-201 (p.13)
7. legal: businesses/ISPs get to choose their target markets (consumer vs business) (p.14)
8. legal: long established residential ISP terms of service language and practice (p.15)
9. legal: 10-201 is not enforceable here by FCC due to 'limited ancillary jurisdiction' (p.16)
10. economic: protecting Google's potential cloud profits (don't bite the hand...) (p.17)

**Counter-argument #1 -- security:**

**no safety of the old IPv4 NAT**

My paraphrasing of the counter-argument:

Unless we block all serving by filtering all incoming IPv6 connection requests, countless insufficiently secure home PCs will be vulnerable to compromise by criminal hackers that are currently thwarted by the inaccessibility of average PCs behind typical IPv4 Network Address Translation (NAT) routers.

My response:

That security benefit was at best an accident, and at worst an excuse for poor security implementations. But the short answer is that I would be more than happy if ISPs chose to default filter all incoming IPv6 connection request traffic, as long as users were guaranteed the freedom to opt-in to unfiltered service with a kind of 'developer switch' of some sort. Similar in nature to the developer switch users of some Google associated hardware projects are familiar with for allowing more advanced and customized usage of their technology. Personally I would like to see a long term solution that involves a fully user controllable firewall as part of all standard broadband internet service. One that is easily resettable to some sane set of defaults. I think it would be sane for those defaults to include filtering IPv6 incoming connection request traffic, at least for the first few years<sup>17</sup> of IPv6 seeing real ubiquitous deployment. However I also anticipate that after a few years of innovation, that such defaults would evolve to take advantage of impressive and safe new services.



**Counter-argument #2 -- quality:  
impacting other's service, saturating the network**

My paraphrasing of the counter-argument:

If residential end users are allowed to host servers, they would hog the network resources and ruin the quality of network service for their neighbors.

My response:

All I want from ISPs is a fair share of network resources. And by fair, I mean that I want my usage of the traffic to be balanced with others, but most certainly in an application and service agnostic way. My upstream traffic as a web or game server should be treated no differently than each of my neighbors total upstream traffic, that may include more video uploads to YouTube, or live video streams to Skype or GoogleHangouts. The essence of the spirit and motivation for Network Neutrality rules, at least as far as I understand the issue, is entirely about not letting networks give advantage or preference to any particular destination or type of application or service, so as not to make the network operator the chooser of winning and losing applications, services, and destinations on the internet. By disallowing hosting servers in their Terms of Service, Google Fiber is getting to choose all residentially hosted innovative business's servers and services as losers, instead of treating their upstream and downstream network traffic on **equal** terms with their neighbors. The network due to existing protocols and implementations, is already designed to do exactly this. I admit, there may be some highly nuanced highly technical issues relating to this, but on the surface it seems if Google allows any of its endpoint customers on this gigabit fiber-optic network to host servers, then it means they must have a working solution<sup>18</sup> to prevent any single endpoint from disproportionately degrading service for neighbor endpoints. The solution no doubt involves things like the open source 'tc/Traffic Control' software available for Linux<sup>19</sup> routers and servers, or some functional equivalent.

Let me be clear here about what I feel I **deserve**. If I am a residential fixed broadband internet user hosting servers, and never exceed 1.4MB(a 20 year old floppy disk's worth) of total upstream, and equivalent downstream traffic per month, then I should not have to pay more than my neighbor with the same ISP that sends the same amount of upstream and downstream network traffic to and from their home. I am in no way suggesting that I ought to be able to get more bandwidth than my neighbor, paying the same price. I just want bandwidth pricing equivalency between the hosting servers, and the not hosting servers case. I don't feel that as a common internet data carrier, that any ISP has the right to dictate or discriminate against any kind of lawful traffic I utilize. Because quite simply, otherwise, the network operator is then becoming the shaper of the internet applications and services marketplace, directing traffic to a subset that, not so surprisingly here in the Google case, includes the servers that have been generating its other department's gargantuan historical revenues.

### Counter-argument #3 -- security:

#### new modes of non-snoopable communication

My paraphrasing of the counter-argument:

If residential end users are allowed to host servers, then just as Vint Cerf predicted/designed, their audio and video communication devices (e.g. iPads and laptops) will talk **directly**<sup>9</sup> to one another instead of through intermediary 3<sup>rd</sup> party<sup>20</sup> corporate servers such as those of Skype or GoogleHangouts. Then, because of that direct communication, terrorists will be able to evade government eavesdropping through the use of, for example<sup>21</sup>, an ssh encrypted gstreamer open source two-way audio/video communication channel.

My response:

Clearly the FBI is scared<sup>22</sup> of such things. I feel too old at the age of thirty-seven to try fighting that with as much energy as it deserves to be fought. In my perhaps not humble enough opinion, I assert that this is a case of the cops/investigators being cheap, rushing for the privacy and security degrading shortcut to make their jobs easier, at the expense of the privacy, liberty, freedom, and innovations of the people. But if back-doors become mandated for internet communications software, then so be it. I am an independent businessperson, trying to feed and shelter myself, and need to know the ground rules for the internet so that I can plan the rest of my life's innovations accordingly. Both of these issues - residential serving and government mandated back doors - are really big deals, that either way will create a substantially different internet of the mid-term future. The kind of difference that if anticipated correctly or incorrectly, may make one's career able or not to support a family. I personally hope that neither residential serving, nor secure encrypted internet phone calls help terrorists cause mass death and evil. But before letting that fear overwhelm, consider history- The server administrators of the internet have been using the backdoor-free ssh tool for encrypted communications of all sorts throughout the entire history of the modern internet. This tool is thought to provide government resistant encryption, able to wrap/tunnel pretty much any internet communication software. If such non-backdoored internet communication tools are really such a national security threat, then I think we would have had them mandatorily backdoored long ago. What this tells me is that society is resilient enough to withstand the generalized threat of terrorists conspiring with encrypted communications. At least to the level that it should be clear that the benefits of allowing secure communications for **everyone** far outweigh the reality that amongst everyone, are many with very bad intentions. Some liberties and privacies are worth significant prices and risks. I think the 'Right To Serve' is worth the price and risk. If you disagree, at least consider carefully the theoretical possibility that were this counter-argument to sway law and policy, we may be making a vast security problem a bit easier to deal with, at the expense of preventing the economic benefits of a new 'web-3.0' industry, **starting in Kansas City!** However, by all means, get the input from the smartest and most reputable computer networking, national defense<sup>4</sup>, and law enforcement professionals you know, to make a properly balanced decision on this kind of issue.

#### **Counter-argument #4 -- security:**

##### **zombie/hacked home servers, DDoS attacks**

My paraphrasing of the counter-argument:

If residential users are allowed to host servers some of those servers will receive distributed denial of service (DDoS) attacks, and some of those servers will be compromised and used to send gigabit level DDoS attacks.

My response:

This is two issues. First, if residentially hosted servers receive a DDoS attack, I would presume that between Google and the NSA's published guidelines for best IT practices people would be able to respond appropriately to that. Surely Google has some techniques to mitigate DDoS attacks. I would be more than happy if Google would publish those and apply those automatically for me. If they involve server side software, e.g. some tc, iptables, or other commands to configure a Linux server, then I would have no problem utilizing such a solution to be a good citizen of the internet. If their and other's last line of defense is nothing more than simply having the network and computing resources to absorb any modern attack, then good for them and their competitive advantage. But I'm confident that there are innovative residentially hosted server based solutions that can compete with that as well, not to mention market niches that have differing uptime and other networking requirements. But again, if and only if the 'Right To Serve' is protected. In general, as the internet evolves and new and modified use-cases take over for old ones, I expect reasonable network management practices, from the ISP to home sysadmin, to adequately evolve with the evolving threat space/surface.

Second, as to servers being more vulnerable and thus targets for 'zombie DDoS networks', I just don't see how, on the whole, home hosted servers are likely to be disproportionately insecure compared to the average security history of home PCs that have already over the history of the internet, been recruited by the millions for such DDoS 'zombie botnets'. In both cases, as above, network and host level security will evolve as use cases evolve. I certainly don't mind that if my ISP detects known criminal botnet traffic emanating from my hosted servers, that they virtually or physically disconnect them partially or entirely from the network. As long as there are reasonable network management procedures in place that allow me to use industry standard published best practices to recover from the compromise as quickly as I can, and get back on the network. That is I would guess how most businesses have been operating servers on the internet for the last twenty or so years, including Google itself.

Once again, I'll go back to the idea that yes- for national and network security reasons, it probably would be cheaper to police by just turning off vast chunks of functionality of the internet. But if we had done that from the start, we wouldn't have reaped the benefits of innovation that 'internet openness' has enabled.

**Counter-argument #5 -- quality:  
spam enablement**

My paraphrasing of the counter-argument:

Allowing residential fixed broadband users to host servers will bring more spam to the internet.

My response:

Let me just be lazy and quote Vint Cerf's testimony to congress<sup>23</sup> from 2006 about 'Network Neutrality', speaking on behalf of Google-

“

A number of justifications have been created to support carrier control over consumer choices online; none stand up to scrutiny. Open-ended carrier discrimination is not needed to protect users from viruses, stop spam, preserve network integrity, make VOIP or video service work properly – or even insure that carriers are compensated for their broadband investments. In particular, we firmly believe that carriers will be able to set market prices for Internet access and be well-paid for their investments – as broadband carriers in other countries have successfully done.

“

**Counter-argument #6 -- legal:**

**residential serving over fixed broadband is not the intended scope of 10-201**

My paraphrasing of the counter-argument:

'Network Neutrality' was meant to protect business-class (server hosting allowed) internet access customers against the network owners and operators of the internet. It was never meant to protect the 'Right To Serve' of lowest cost tier residential internet access customers.

My response:

Ok, so maybe I haven't slowly, or even completely read every word of 10-201. Let alone the necessary web of critically related law. But I read quite a lot, and skimmed all of 10-201 with the intent of specifically finding any such obvious glaring holes in my 'Right To Serve' theory. I did see language in 10-201 about 'edge-providers' as being distinct from 'end-users'. But then I read closer and found where paragraph 13<sup>6</sup> of 10-201 leads me to believe that the 'Right to Serve' exists for both 'end users' and 'edge providers'. But as I am not a lawyer, I am basically asking Vint Cerf and/or the Kansas Attorney General to clarify my understanding of 'Network Neutrality'.

### **Counter-argument #7 -- legal:**

#### **businesses/ISPs get to choose their target markets (consumer vs business)**

My paraphrasing of the counter-argument:

If Google wants to, they are free to simply cease doing business with any customer that wants to and tries to operate a server with their residential fixed broadband internet access.

My response:

This is similar to the prior counter-argument. I've spent some time reading 10-201 looking for language that would make this interpretation more plausible than the opposite interpretation. I haven't found it, and in fact only the opposite<sup>6</sup> language. But if the language in 10-201 or any other part of law or official US policy defends this idea, then I guess I'm wrong. Again, if Vint Cerf or the Attorney General tells me I'm wrong on this point, I'll listen very closely and probably take their word for it.

Though I will add that it would seem just plain wrong for Google to be able to discriminate against the garage internet startup companies (or even just the subset<sup>24,25</sup> which Google's non-ISP divisions don't feel their market-shares and/or potential future market-shares threatened by). For a lot of reasons<sup>16</sup>.

## **Counter-argument #8 -- legal:**

### **long established residential ISP terms of service language and practice**

My paraphrasing of the counter-argument:

Residential ISPs have had the same language for years and nobody else has ever complained like you have.

My response:

I must admit that the novel IPv6, Vint Cerf, and Google elements of my arguments are the only reason I have any significant hope of getting anywhere with this difficult and technical trek to obliterate a single vaguely-unenforced<sup>16</sup> line of legalese buried deep within a long terms of service document. I am in fact trying to shame Google into doing something, that I believe they have the money and power to get away with not doing if they don't want to. In other words, I believe the equal and equally legally unenforceable language in other residential ISP's terms of service is just as in need of fixing. But let's start with getting Vint Cerf to comment on the record on my 'Right To Serve' legal theory before going after the companies to whom shame in the circles of advanced computer users and professionals is of zero consequence. As well- Did you forget that I'm a Kansan by birth and choice presently living in Kansas City with the option of getting gigabit fiber-optic fixed broadband residential internet access from Google in the very near future? And one that's been a Linux geek and internaut<sup>26</sup> half their not so short life?

Note also, that I recently checked the terms of service for my TimeWarner broadband service. And while there is plenty of frustrating legal vaguery<sup>27</sup> there, there is no outright prohibition against hosting servers. However, if you read the various online commentary debates I've been having on the subject, I suspect that such terms of service have been common enough to give myself and others<sup>28</sup> the impression stated in this counter-argument.

### **Counter-argument #9 -- legal:**

#### **10-201 is not enforceable here by FCC due to 'limited ancillary jurisdiction'**

My paraphrasing of the counter-argument:

Some article<sup>29</sup> on ARSTechnica talks about the FCC and Network Neutrality / 10-201 being a 'weak' law/order due to some 'limited ancillary jurisdiction' issue.

My response:

First, the entire article is a theoretical conjecture on how companies might legally fight their obligation to follow even the clearly moderate<sup>30,31</sup> network neutrality rules. It didn't actually mention any legal challenges using this legal hairsplitting defense. I can't say I've done exhaustive research legally into the matter. If Google actually wants to use something as legally nakedly weaselly sounding as that to avoid compliance with the spirit of Network Neutrality, then so be it. Let them suffer the long term shame and resulting hit to employee and user morale as people realize what hypocrisy is entailed in their overall internet strategy.



**Counter-argument #10 -- economic:**

**protecting Google's potential cloud profits (a.k.a. don't bite the hand that feeds)**

My paraphrasing of the counter-argument:

Allowing residential users to host servers against their broadband internet access would allow some of them to rely on servers other than the ones currently providing Google's and other's cloud services. This would be an economically damaging disruptive influence on the established internet business landscape.

My response:

So what, the newspapers had to suffer with IPv4, let YouTube suffer a little with IPv6.

## **V: More detailed explanations including likely and possible real world scenarios**

### *Inter-Human Communications are Special*

Rambling on about the Right To Serve... First, be reminded that the information superhighway was inherited from DARPA. So even from an extremely libertarian perspective, the absolutist argument that the network and its control belongs solely to the builders and operators of it, does not sway me. That would be even before highlighting how special deals<sup>32</sup> funded by taxpayers were dealt to Google and similar<sup>33</sup> broadband providers by the local governments of the areas of their network build-out. Even further, when you consider the comparability of the modern internet to 'Ma' Bell's phone network of the past. Google and Apple may put a lot of marketing dress on modern smart-phones, but a phone is basically a phone, and the entire world was entirely prepared for and expecting<sup>26</sup> the video addition when the technological capacity of the networks and devices allowed. What the 'phone' is to humankind, is as special a concept as the human creation and concept of the 'road'. Being able to get from physical place A to B, or being able to communicate from person A to B, are very special<sup>34</sup> things. Like being able to get a free glass of water from a business that serves food. I feel that citizens of the world should feel entitled not to go thirsty from lack of water, or un-voiced from lack of ability to serve their own free speech from any access point to the 'general purpose technology'<sup>6</sup> of the global and open internet.

### *Rights versus privileges on the Global Information Superhighway*

Next, it is important to note how government pressure on terms of service issues can be thought of as a kind of 'internet kill switch' for otherwise lawful<sup>35</sup> free speech<sup>36</sup>. There must, in my opinion, be some minimal level of behavior which is permitted on the internet by right, and not by privilege grant-able and revocable by the the various network operators. I believe the 'Right To Serve' should be included in that minimal set of good citizen internet rights, when it comes to what all customers should expect and demand from their ISPs.

In considering whether or not the "Right To Serve" on the internet is something worth fighting for, or establishing, it may help to look in detail at a handful of example situations where it makes a difference. Here are a few ideas that come to mind. Please note, that as actual business examples, their merit for investment would be based on more specific numbers and revenue projections than I'll give here. And as with any new business, a significant if not high probability of failure is generally unavoidable even with entirely sober and conservative and still optimistic projections. The issue that I would like you to focus on, is not so much whether these are good enough to invest in today, but whether or not they accurately enough represent entire classes and methods of economic production<sup>6</sup>, that are worth allowing and defending in our current variant of democratic capitalism.

### *Example Innovation Scenarios Utilizing the Right To Serve*

In general, any business model that involves users and clients accessing services over the internet can benefit from residential serving, since it theoretically opens the door to a system with no servers other than residentially hosted ones. Which, while without a doubt not the optimum configuration for a great many businesses and non-profit services, should nonetheless

not be a configuration excluded from the field of competition in the internet applications and services arena. The bottom line- while I may also be able to compete by partnering with existing cloud infrastructure services companies, **am I free to compete on my own**, paying the same published rates for my data traffic on the 'general purpose technology'<sup>6</sup> of the internet as my neighbor?

#### Innovation Scenario #1: Tele-medicine - enhanced audio/video privacy

Take for instance the case of a mental health patient suffering from paranoid schizophrenia. While anti-psychotic and other drastic cognitive altering drugs are in many cases an amazingly beneficial treatment, in other cases a non-pharmaceutical approach involving talk therapy can be a solution. But why waste \$4/gallon on gasoline driving to the psychologist's office, when a simple internet based video-conference may accomplish nearly identical results, but with lower transportation overhead adding to the weight of healthcare expenses. By allowing residential fixed broadband server hosting, server appliances that allow secure audio/video conferencing can be more efficiently developed to facilitate this and similar business models. I suspect there are many who would not be classified as paranoid, that would choose such encryption privacy when, for example streaming a high resolution video of various normally clothed body parts to their personal physician. And that such might get more needed and inexpensive preventative healthcare to those who need it. In general I believe that issues such as energy and environment conservation may likely lead to a mid-term future where such hyper-optimization of transportation costs via leveraging gigabit and beyond residential internet services is the norm. And that's a good thing to be embraced as early as possible. But letting the architects of the information superhighway force the traffic for such emerging markets towards their own non-broadband-carrier division's existing products and services, would be detrimental to the kind of level field of dreams future internet I think we should strive for.

#### Innovation Scenario #2: Subsidized Housing - monetizing housing with server-closets

Next up, nothing less than "housing the homeless". Why not allow some organization, if the predicted financial numbers turn out to look sustainable, to buy a couple houses in each of the couple dozen 'fiberhoods' in Kansas City. Then install a single, probably not even full rack of servers in one of the closets or other areas of the house. Sharing with the house's residents the fair share of the internet bandwidth that they receive over their gigabit fiberoptic link. This may not be an indefinitely sustainable model, but if the numbers work out for a five or ten year project with the real-estate as legitimate collateral for the investors, then why not? Perhaps it could even be targeted at those homeless that show an interest for learning and helping out with physical racked server maintenance.

Another similar business model is to just 'crowdsource' a large group of telecommuting employees or independent contractors. Perhaps providing a real time human-assisted/hybrid artificial intelligence system. I.e. customers submit questions/queries via their internet enabled devices like PCs and mobile phones, and in real time receive answers from a cloud of humans. Somehow hopefully being able to achieve at least minimum wage for the human 'nodes' involved. Or other distributed work tasks, i.e. perhaps some vast perusal of some cache of documents recently declassified or simply unearthed somewhere. Any number of ways to create telecommuting jobs, theoretically potentially largely independent of traditional employer organizations with larger overhead, due the ability to host their own server appliances that assist

in their participation in commerce across the information superhighway.

#### Innovation Scenario #3: Home Security - live cameras with multiple offsite encrypted backups

Being allowed to host a simple 10 watt \$30 PogoPlug server running Debian Linux, connected to a usb storage disk, is an incredibly obviously useful innovation. Especially when you add into the mix a \$20 high definition Logitech USB web camera, and the open source motion detection software available for free at Motion(.sf.net). Even further, adding an automated distribution system to create live offsite encrypted backups (to cover the case of the burglar stealing the security camera setup). These could be aimed out your front door, to cover the very real case of people, more often women, being threatened by stalkers who would probably be dissuaded by seeing a printout of them leering about your home and neighborhood. I in fact have to this day never broken a lease despite over a dozen of them, but the closest I came was in 2004. Late that year I got out of a lease because I was able to show that the maintenance personnel that was supposed to be fixing my refrigerator was instead snooping around my bedroom home office.

#### Innovation Scenario #4: Massively Multiplayer Online (non-gambling) Poker System

For years now I've been searching for my ideal of an open source (for security reasons) online non-gambling poker system. I've settled recently on PokerTH.net, and have enjoyed it's ranking system. I even managed to take 1<sup>st</sup> place out of tens of thousands of player accounts in their beta4 season (handle: Defiant). But I've had several ideas of how I could take that open source code, and create an alternate system, with an alternate website, whose ads earn<sup>37</sup> me money. But only of course if I succeed in providing a compellingly enhanced service. But I think that might well be within my abilities given my interests and motivations.

#### Innovation Scenario #5: Opportunistic Home Heating with Monetized Virtual Servers

The day after I posted the crazy 'housing the homeless with serverclosets' idea to social networking sites, Amazon announced a curious program that would create an actual penny by penny market for virtual server hosting. I.e. such that you could run some virtual server management suite on a home (or elsewhere) hosted server, and then have a liquid market run by Amazon to allow you to rent out your computer's resources for ideally some maximal amount of money bid by target users in this marketplace. Changing minute by minute based on supply and demand, and no doubt influenced by factors such as network peak and non-peak hours. In any event, such a trivial route to monetization leads to the curious idea of whether or not the numbers would be sufficient for it to be profitable to literally heat your home with servers instead of other electric or gas heat. Or maybe even drive an oven that bakes food like pizza. Now, I admit this sounds like something of a pipe dream business model, but it should be clear that it is theoretically possible given some not too far off realms of various supply and demand and efficiency ratios. Honestly I already do attempt to use my own older PCs more in the winter, to optimize the benefit (and avoid summertime detriment) of their waste heat.

#### Innovation Scenario #6: Ma and Pa custom fabrication shops

For the duration of time that 3D printing is on the slow expensive trek toward a seemingly inevitable inexpensive ubiquity, many regional/neighborhood mom and pop local fabrication

facilities could pop up. Perhaps with 3D printouts being bicycle-messenger delivered a few blocks. By utilizing residentially hosted servers, such shops could operate completely independently, accepting designs uploaded by client users. I personally would like to try some materials experiments with footpedal and other user input devices for playing guitar and other music. I.e. some clear or semi-clear-colored plastic design, somehow perhaps structurally enhanced, and maybe containing a RasberriPi \$35 IPv6 and HDMI capable computer or the like.

#### Innovation Scenario #7: Distributed Metaverse based on open source game engines

I would like to use freely available open source code such as the Quake3 and Torque engines, to develop a distributed Neal Stephenson style Metaverse. Basically just your average 3D MMO, but by design, literally distributed amongst all player's most often residentially hosted game server nodes. I.e. so that you can be in a virtual environment, but say, traveling over a bridge means the game logic for the surroundings starts taking place on some new server. Such that, reminiscing to roaming the Zelda64 universe, such long roams would take you across dozens of people's servers. Really, just the way that on a diverse internet, an afternoon's stream of link clicks will take you across dozens of pages, hosted on several servers. But in this metaverse, an emphasis on servers owned and operated by the players themselves. With a competitive market to attract people to the value-added enhancements you make to your corner of this alternate virtual universe.

But of course things would no doubt get controversial, the instant the first player in this metaverse, whether a member of the reverent faithful, or a member of the irreverent trolls of the internet, chose to name and model their avatar after specific "off-limits" historical figures such as the Prophet Mohommed (are there other 'off limits' historical figures that I should know about? Is there a list in a netiquette FAQ somewhere? I've seen the treatment Robot Chicken gave to Jesus and Mary on Comedy Central, so I know they aren't on the list).

So it seems we may need some sort of well defined "Silence Protocol" for the internet to avoid contemporary issues relating to legitimate ongoing threats of physical violence related to Blasphemy (or in China, Dissent). I've discussed in public comments on the internet one way we could design such a protocol, that I consider entirely compatible with U.S. values on Free Speech. I.e. one could configure a (e.g. Linux) server, such that a particular range of IP addresses, known to be in the U.S. will get to see the server's contents transparently. All other non-US IP addresses, would have their initial content redirected to a specific webpage on your server, which directs them to opt-in to access to your content, under the terms that the content consumer consents to the same Free Speech ground rules as exist in the geographic locale of the server. If the user consents, then for an hour or a year, all traffic to the server from that IP address, will no longer be redirected to the consent page, but see the same content the U.S. viewers see. And of course one can easily discuss many modifications of this system that address various nuanced concerns that are more and less applicable to certain use-cases.

While the above was a bit of a tangential political hot topic to tie into this, the line of thought did touch upon a less locally controversial angle. I.e. in the same way that no doubt some of the current 3D game companies have adapted the technology to produce obviously useful historical teaching tools, for biblical and non-biblical story teaching, so too would the distributed metaverse be applicable to that problem-space. The distributed nature would even in my

estimation be likely to benefit from creating a competitive landscape of 'teaching universes'. I.e. a natural and optimally fluid market for teaching games. Where students can wander from one hill to the next (think Zelda64 or your favorite 3D role playing game) talking to one rabbi and then the next. The rabbis that were the most interesting and respected would develop reputations and attract more pupils. These rabbis could temporarily transport their students to vivid historical contexts and re-enactments. Maybe rabbi Matt Groening would teach about how 'Life in Hell's Sheba character had parallels (or not) with the Queen of Sheba that initiated 25(NIV:1-Kings-10:14) tons of gold per year tribute to King Solomon, and perhaps the subsequent excesses that led to Solomon's fall from favor with the Lord(NIV:1-Kings-11:33). But digressing from a web of references inspired in part by Topeka's zip code on the first page of this manifesto, there is the much better biblical analog to return to - David versus Goliath(NIV:1-Samuel-17). In addition to the obvious reference regarding the asymmetry of my dispute with Google, there is another more interesting insight to draw from David's story as it relates to the Right To Serve and distributed home hosted game servers. And the odd help I've gotten on my way from a Navy Information Warfare Officer. The insight is this- I think it would be a Real Good Idea if we protected home hosted serving for the lowest cost tier residential internet service, because I think it would foster an environment where more people, starting with those operating game servers at home, would know about basic internet networking protocols and issues. In a world where cyber-warfare is the serious emerging new threat, I think protecting the Right To Serve in the U.S. will dramatically increase our collective technical capability in that arena. This is akin to the story of David and Goliath, because David was not a trained military combatant, but rather a youth with civilian training(NIV:1-Samuel-17:33-37,Romans-2:26) managing herd animals. His skill with a sling and a rock to defend against lions and bears, was the critical tactic that elevated that Israeli army against it's opponents that day. So likewise, if we allow and protect the right to host servers at residences, this will allow each and every one of us to, perhaps a bit futilely, fend off all incoming security attacks against our home servers, just as Google and all other server administrators have done throughout the history of the internet. So if all of us who choose to flip that switch allowing incoming connection request traffic, and host and defend our particularly non-national-security-or-critical-infrastructure-related home servers like game servers, then I suspect in that sort of self-motivated darwinian (but with entirely non-fatal failure modes) LANscape, we might prepare the path for one or more young Davids to have the right intelligent cyber-security idea for the U.S. at the right time, to defeat the seemingly superior foe we might someday face.

#### Innovation Scenario #8: Residential Server Software

It's really quite simple- the "enterprise server software" market has been pretty large this last ten years. I anticipate that the "residential server software" market will take off in the next ten years due to the advent of IPv6 simplifying the playing field of dreams.

## VI: Personal considerations - Why I care as much as I do

While I find it easy to say that my technical, legal, and moral points on this issue stand alone, and have nothing to do with my oldest brother who is a (non-GoogleFiber-related) Vice President at Google alongside Milo Medin in charge of Google Fiber and one of the fathers of the internet Vint Cerf himself (and dozens of others), I will discuss the connection as it relates to my motivations for pursuing this as passionately as I have. It was my oldest brother who taught me to program an Atari-400 in the 'basic' language starting, dare I say somewhere around the age of five. It was upon his advice, that sometime around 1994 I installed (Slackware) Linux on my father's 486 Personal Computer. From there I learned to run services like talkd, httpd/Apache, smtpd/Sendmail, Quake3 game servers and more. I hosted a server for my family running the open source SquirrelMail webmail for years before Gmail even existed. In the early days of the internet, it was just assumed that the general purpose technology<sup>6</sup> of the internet allowed you to host servers at home, without having to ask or get written permission<sup>6</sup> from a network provider. Then, as the IPv4 address shortage began rearing its head, static IPv4 addresses to residential broadband customers started becoming rarer. These were needed to host a traditional service without resorting to 'dynamic dns workarounds'. Now even those techniques are insufficient as my personal TimeWarner current broadband service puts me behind an IPv4 NAT making independent serving of free speech on the internet effectively impossible<sup>38</sup> for me. It honestly never occurred to me as a well employed information technology professional back in those days that 20 years from then, with IPv6 finally deployed, that my residential broadband ISP would not allow me to host a linux apache web server. I mean, I still just don't get it, unless it's just a matter of Google being a little bit 'evil'<sup>39,40</sup>, and wanting to maximize revenue for its shareholders. But doing this via industry standard practices that in my mind, with IPv6, are finally becoming more clearly in violation of the spirit and letter of the United States' 'Network Neutrality' ground rules for the internet.

Then there is also the simple fact that I absolutely bought into the frontier hype<sup>41,42,43,44,45,46</sup> about the Google Fiber project for Kansas City. It definitely was a factor in my decision to continue to reside here. But quite honestly, with the current terms of service, I don't find the new internet service to be exciting at all. Hosting your own server, is in my opinion one of the most obvious first exciting things to do with a gigabit broadband service if you are an IT professional, hobbyist, or aspiring student. In short, I feel that with the level playing field that 'Network Neutrality'/FCC-10-201(sp13)<sup>6</sup> was meant to provide, that I have the talent and ability to innovate in a way that will help me to provide financially for myself and those I love, rather than needing a handout from someone else. If I could just understand why things are the seemingly inconsistent<sup>16</sup> way they are, I wouldn't be writing these dozens of pages of manifesto.

I've tried every reasonable, and perhaps too many unreasonable, courses of action on this subject. What follows is a sampling of the timeline of noteworthy events along my path on this journey - (next page)

## **VI: Personal considerations (cont) - Partial 2012 Timeline of Redress**

### **July**

2012 / 07 / 24

I post on facebook, that the ability to host an IPv6 PokerTH(.net) server will be my deciding residential ISP factor.<sup>47</sup>

2012 / 07 / 26

Google Fiber for Kansas City is officially announced<sup>44,46</sup>, and terms of service are revealed.

2012 / 07 / 26

First Slashdot(.org) comment thread<sup>28</sup> about the issue.

### **August**

2012 / 08 / 22

I send email<sup>48</sup> to a few silicon valley peers seeking investment.

2012 / 08 / 22

Immediate, and fairly obvious initial feedback<sup>49</sup> from potential investors- If the business model depends on a "Right To Serve" landscape, then investors will be scared off with Google's current terms of service.

2012 / 08 / 22

I get email<sup>50</sup> from Sapna Aggarwal, a Google Human Resources recruiter about possible engineering employment. Following up on discussions I had with a different Google recruiter earlier in June (and before that as well).

### **September**

2012 / 09 / 01

My first post<sup>51</sup> to the discussion forum of the Kansas Unix and Linux User's Association regarding the Right To Serve, including my freshly received FCC form 2000F reference number.



2012 / 09 / 04

I publicly, via Google Plus, ask Robert Keller to help me argue my points. In some sense, a first on the record response<sup>52</sup> from Google. Mainly just a thorough shooting down of the spam arguments relating to the Right To Serve, though since I found the simpler Vint Cerf quote to congress on behalf of Google on the same (and wider) topic.

2012 / 09 / 07

Now that I am a \$10 paid and pre-registered prospective Google Fiber customer, I submit a more official<sup>53</sup> customer service complaint via fiber-support@google.com.

2012 / 09 / 09

After being told by the consensus leader of the Kansas Unix and Linux User's Association that, while he and other may sympathize with some of my points, they would much rather I shut up<sup>54</sup>. After not shutting up, I was more or less told I'd never work in the IT/Linux arena in the midwest again, and that my idea of immolating myself for this issue is a good idea.

2012 / 09 / 09

My 'fiberhood' reaches it's pre-registration goal, and in 2013 it will be installed. I choose the \$70/month full speed (but no Google TV) plan.

2012 / 09 / 10

An Anonymous Coward posts<sup>16</sup> details of an internal Google weekly all hands meeting to Slashdot. Allegedly the C.E.O. was 'very annoyed' by the no server hosting clause and 'repeatedly needled' the C.F.O. about the issue, who argued there was no intent to enforce, except against 'crazy large scale datacenter abuse'. I forward the comments to Linux Weekly News the same day.

2012 / 09 / 14

I first find in my mail box the FCC's official 'snail mail' response to my form 2000F complaint. See Appendix A.

## **October**

2012 / 10 / 02

For the first time in my life, I notice someone publicly self identifying<sup>55</sup> himself as a 'Navy Information Warfare Officer' on a Slashdot(.org) comment thread about the cyber threat from China to the White House. I dive into the discussion, and manage to get Dave Schroeder to read the October 1<sup>st</sup> draft of this document, and as a result give me Vint Cerf's email address.

2012 / 10 / 08

I email<sup>56</sup> a 'father of the internet' Mr. Vint Cerf, Vice President and Chief Internet Evangelist of Google, warning that I need an initial on the record response from Google within a week, otherwise I will have to proceed with contacting the Kansas Attorney General.

2012 / 10 / 09

Vint Cerf responds<sup>57</sup>, saying that Google Fiber is not his department, but that he'll read the October 7<sup>th</sup> draft of this document, and investigate further. I send my own 'ACK'<sup>58</sup>.

2012 / 10 / 15

Technically the week plus a day deadline isn't up, but I'm getting fed up with silence from Google, so I email<sup>59</sup> Mr. Cerf of Google, including that I'm f'ing sick of Google's on the record silence on this issue.

2012 / 10 / 16

I resign from cyberspace, telling Vint Cerf that I 'hope Google rots in hell'<sup>60</sup>. I regret saying it. But it appears I'm human. I hope Mr. Cerf forgives me, and can see the honest and positive vision for the future of his IPv6 protocol that my sentiment's frustration was related to.

## VII: Concluding remarks

In conclusion, I am confident that I have made a good case for my arguments<sup>6,9,10</sup>. There may well be some reason I haven't considered that may thwart my desired outcome of seeing the 'no server hosting of any kind allowed' clause<sup>7</sup> removed from Google Fiber's (and eventually all ISP's) terms of service. And if so, I'll adapt and either learn to appreciate the well and straight<sup>16</sup> reasoning behind the decision, or, in traditional internet style, route my innovations around the perceived damage.

I've made clear the economic and free speech<sup>61</sup> values and opportunities at stake here. As best I can tell from my research into this matter, Vint Cerf would agree with my vision of the general purpose internet and the empowerment for all end users, especially residential ones, that it represents. Please ask<sup>62</sup> Google, specifically Chief Executive Officer Larry Page<sup>16</sup>, Vice President of Access Services Milo Medin<sup>44</sup>, and Vice President and Chief Internet Evangelist Vint Cerf<sup>23</sup> for comment about the situation, and at the very least confirmation or denial of the alleged<sup>16</sup> lack of intent to enforce the term of service in question. I think there are many potentially innovative technology businesses in, or thinking about coming to Kansas City, that would greatly appreciate getting the lack of clarity on this issue resolved.

Sincerely,

Douglas McClendon

**Appendix A: The FCC's Official Response (by snail mail) 2012/09/05**

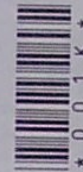


Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Consumer Inquiries and Complaints Division  
445 12th Street, SW., Room 5-A847  
Washington, DC 20554

Date:09/05/2012

DOUGLAS MCCLENDON  
SONIC DAWG CORP.

[REDACTED]  
KANSAS CITY, KS 66103



Dear Consumer:

Re: Complaint # 12-C00422224-1

This letter is in response to your complaint filed with the Federal Communications Commission (FCC). The matter you have outlined in your correspondence does not come under the jurisdiction of the FCC. Included below is contact information for an agency that may be of more assistance.

For your convenience, a copy of your complaint information has been attached for your records. Please note that if your complaint was transferred to a different form, other than the one on which it was originally captured, copies of both forms will be attached. Please use the complaint number referenced above in lieu of any previously provided complaint number.

If you have further questions please feel free to visit the Consumer & Governmental Affairs Bureau (CGB) website at [www.fcc.gov/cgb](http://www.fcc.gov/cgb) or call us at 1-888-CALL-FCC (1-888-225-5322) voice; 1-888-TELL-FCC (1-888-835-5322) TTY.

**Contact Information:**  
Kansas Office of the Attorney General  
120 SW 10th Street, Suite 430  
Topeka, KS 66612 - 1597  
Phone:(800) 432 - 2310  
Fax: (785) 291 - 3699

Sincerely,

Sharon Bowers, Division Chief  
Consumer & Governmental Affairs Bureau  
Consumer Inquiries & Complaints Division

Form 2000F Other Communications Complaint  
Not Covered by Form 2000A through Form 2000E

**Consumer's Information:**

First Name: Douglas Last Name: McClendon

Company Name: Sonic Dawg Corp.  
(Complete only if you are filing this complaint on behalf of a company or an organization.)

Post Office Box Number:  
(Official Post Office box Number Only)

Address 1 [REDACTED]  
Mailing Address (where mail is delivered)

Address 2 [REDACTED]

City: Kansas City State: KS Zip Code: 66103

Telephone Number (Residential or Business): Phone:(785) 979 - 7723

E-mail Address: dmc.fcc@cloudsession.com

**\*\*\* ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT \*\*\***

1. Type of company that is the subject of your complaint:  
Internet Access Service Provider

2. Please provide the details of your complaint, including the dates, times and nature of any conduct or activity complained of and identifying information of any companies, institutions or individuals involved:

a. Date (mm/dd/yyyy): 09/01/2012 15:20:00:PM

b. Name of company or individual: Google

c. Details of the activity or conduct that form the basis for your complaint: Google's current Terms Of Service[1] for their fixed broadband internet service being deployed initially here in Kansas City, Kansas, contain this text-

"You agree not to misuse the Services. This includes but is not limited to using the Services for purposes that are illegal, are improper, infringe the rights of others, or adversely impact others enjoyment of the Services. A list of examples of prohibited activities appears here. "

where 'here' is a hyperlink[2] to a page including this text-

"Unless you have a written agreement with Google Fiber permitting you do so, you should not host any type of server using your Google Fiber connection"

In my professional opinion as a graduate in Computer Engineering from the University of Kansas (and incidentally brother of a google VP) I believe these terms of service are in violation of FCC-10-201.

[1] <http://fiber.google.com/legal/terms.html>

[2] <http://support.google.com/fiber/bin/answer.py?hl=en&answer=2659981&topic=244087>

User Complaint Key: 12-C00422224-1

**Form 2000F Other Communications Complaint  
Not Covered by Form 2000A through Form 2000E**

**\*\*\* ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT \*\*\***

You may submit this form over the Internet at <http://www.fcc.gov/cgb/complaints.html>, by e-mail to [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov), by fax to 1-866-418-0232, or by postal mail to:

Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Consumer Complaints  
445 12th Street, SW  
Washington, D.C. 2055

In addition, you may submit your complaint over the telephone by calling 1-888-CALL-FCC or 1-888-TELL-FCC (TTY). If you choose to submit your complaint over the telephone, an FCC customer service representative will fill out an electronic version of the form for you during your conversation. If you have any questions, feel free to contact the FCC at 1-888-CALL-FCC or 1-888-TELL-FCC (TTY).

**FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT AND THE PRIVACY ACT**

The Federal Communications Commission is authorized under the Communications Act of 1934, as amended, to collect the personal information that we request in this form. This form is used for complaints that involve media (general). The public reporting for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, OMD-PER, Paperwork Reduction Project (3060-0874), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to [PRA@fcc.gov](mailto:PRA@fcc.gov). **PLEASE DO NOT SEND YOUR COMPLETED FORMS TO THIS ADDRESS.**

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0874.

In addition, the information that consumers provide when filling out FCC Form 2000 is covered by the system of records notice, FCC/CGB-1, Informal Complaints and Inquiries File (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services). The Commission is authorized to request this information from consumers under 47 U.S.C. 206, 208, 301, 303, 309(e), 312, 362, 364, 386, 507, and 51; and 47 CFR 1.711 et seq.

Form 2000F Other Communications Complaint  
Not Covered by Form 2000A through Form 2000E

\*\*\* ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT \*\*\*

Under this system of records notice, FCC/CGB-1, the FCC may disclose information that consumers provide as follows: when a record in this system involves a complaint against a common carrier, the complaint is forwarded to the defendant carrier who must, within a prescribed time frame, either satisfy the complaint or explain to the Commission and the complainant its failure to do so; where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order; a record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit; a record on an individual in his system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body; a record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when: (a) the United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Commission determines that the disclosure is relevant or necessary to the litigation; a record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office; a record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

In each of these cases, the FCC will determine whether disclosure of the information in this system of records notice is compatible with the purpose for which the records were collected. Furthermore, information in this system of records notice is available for public inspection after redaction of information that could identify the complainant or correspondent, i.e., name, address and/or telephone number.

**THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507 AND THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. SECTION 552a(e)(3).**

## Appendix B: The FCC's 2010 10-201 Report and Order Preserving the Open Internet

( detached: [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-10-201A1\\_Rcd.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-201A1_Rcd.pdf) )

sha512sum: db5e3bd9f5cf3837d153928e2f3b9c6b00c2d6777f39bf30d3ea5442e033f312...  
...28bcab9b4d89219c322c56490913d9abb6ab5ff2080232e4f2f4eadc14bdee6f

For easy reference, a couple of my favorite paragraphs, numbers one and thirteen-

topic: FCC-10-201 Report and Order Preserving the Open Internet - Paragraph 1

...

Today the Commission takes an important step to preserve the Internet as an open platform for innovation, investment, job creation, economic growth, competition, and free expression. To provide greater clarity and certainty regarding the continued freedom and openness of the Internet, we adopt three basic rules that are grounded in broadly accepted Internet norms, as well as our own prior decisions:

i. Transparency.

Fixed and mobile broadband providers must disclose the network management practices, performance characteristics, and terms and conditions of their broadband services;

ii. No blocking.

Fixed broadband providers may not block lawful content, applications, services, or non-harmful devices; mobile broadband providers may not block lawful websites, or block applications that compete with their voice or video telephony services;

iii. No unreasonable discrimination.

Fixed broadband providers may not unreasonably discriminate in transmitting lawful network traffic.

We believe these rules, applied with the complementary principle of reasonable network management, will empower and protect consumers and innovators while helping ensure that the Internet continues to flourish, with robust private investment and rapid innovation at both the core and the edge of the network. This is consistent with the National Broadband Plan goal of broadband access that is ubiquitous and fast, promoting the global competitiveness of the United States.(1)

.....

topic: FCC-10-201 Paragraph 13

...

(Under Section Heading:)

The Internet's Openness Promotes Innovation, Investment, Competition, Free Expression, and Other National Broadband Goals

13.

Like electricity and the computer, the Internet is a "general purpose technology" that enables new methods of production that have a major impact on the entire economy.(12) The Internet's founders intentionally built a network that is open, in the sense that it has no gatekeepers limiting innovation and communication through the network.(13) Accordingly, the Internet enables an end user to access the content and applications of her choice, without requiring permission from broadband providers. This architecture enables innovators to create and offer new applications and services without needing approval from any controlling entity, be it a network provider, equipment manufacturer, industry body, or government agency.(14) End users benefit because the Internet's openness allows new technologies to be developed and distributed by a broad range of sources, not just by the companies that operate the network. For example, Sir Tim Berners-Lee was able to invent the World Wide Web nearly two decades after engineers developed the Internet's original protocols, without needing changes to those protocols or any approval from network operators.(15) Startups and small businesses benefit because the Internet's openness enables anyone connected to the network to reach and do business with anyone else.(16) allowing even the smallest and most remotely located businesses to access national and global markets, and contribute to the economy through e-commerce(17) and online advertising.(18) Because Internet openness enables widespread innovation and allows all end users and edge providers (rather than just the significantly smaller number of broadband providers) to create and determine the success or failure of content, applications, services, and devices, it maximizes commercial and non-commercial innovations that address key national challenges -- including improvements in health care, education, and energy efficiency that benefit our economy and civic life.(19)

.....<sup>63</sup>



1

Topic: 'Network Neutrality' 101, it becomes a law and/or enforceable FCC rule

...  
"It's here: FCC adopts net neutrality (lite)"  
by Matthew Lasar -- Dec 21 2010, 12:05pm CST

...  
"Today for the first time the FCC is adopting rules to preserve basic Internet values," declared FCC Chair Julius Genachowski, who called the Order "a strong sensible non-ideological framework that protects Internet freedom."

The regulations ban content blocking and require transparency from ISPs. They also require network management and packet discrimination to be "reasonable," but they exempt wireless broadband from all but the transparency and blocking rules.

...  
<http://arstechnica.com/tech-policy/2010/12/its-here-fcc-adopts-net-neutrality-lite>

2

Topic: What a Navy Information Warfare Officer is (such as Dave Schroeder who has praised a draft of this document, see next two end-notes)

...  
Cryptology Officers Get New Name, Boss -- Story Number: NNS051014-04  
By Chief Journalist Teresa J. Frith, Navy Personnel Command Communications -- 2005/10/14  
MILLINGTON, Tenn. (NNS) -- Those in the Navy Cryptology officer community were designated 'Information Warfare Officers' in May to reflect their roles in managing, moving and protecting information.

...  
[http://www.navy.mil/search/print.asp?story\\_id=20384&VIRIN=&imagetype=0&page=1](http://www.navy.mil/search/print.asp?story_id=20384&VIRIN=&imagetype=0&page=1)

3

Topic: 2k12/10/01 version of this document, referenced in the next endnote

...  
<http://cloudsession.com/dawg/downloads/misc/kag-draft-2k121001.txt>  
<http://cloudsession.com/dawg/downloads/misc/kag-draft-2k121001.pdf>  
<http://cloudsession.com/dawg/projects/righttoserve/files/kag-draft-2k121001.txt>  
<http://cloudsession.com/dawg/projects/righttoserve/files/kag-draft-2k121001.pdf>

sha512sums:

```
0ad0b613818b393904393fbf9ba3acfd9ae5f413cd0433801487152ee898e4aeb1011dcf5
f0a40febcb96c09bb0be3686ddae99b29c9b6629e7e4109170b4f73 kag-draft-2k121001.pdf
ba510dccb53ef7203140fa2b75e80083dfb577632057f4266fe87cff01f41f68834700f5fcbc
3ae7869abc174c6057981f941d6925179bcca638f6bb41550c9a kag-draft-2k121001.txt
```

4

Topic: **Public** attention and high **praise** from a **Navy Information Warfare Officer**2 (or someone ironically impersonating one)

...  
**I thought your Google manifesto was very good (I know it's a work in progress).** [referencing the 2012/10/01 draft29]

...  
**The net neutrality argument is interesting, and I have to say I agree with the essence of everything you wrote on that subject.**

...  
<http://news.slashdot.org/comments.pl?sid=3156485&cid=41530745>

...  
(The above comments were a conversational offshoot of this more or less unrelated thread(public comments/discussion) on slashdot)

...  
[That's one problem with cyber \(Score:5, Insightful\)](#)  
by [daveschroeder \(516195\)](#) \* on Monday October 01, @03:20PM ([#41516877](#)) [Homepage](#)

Attribution.

**Disclaimer: I am a Navy Information Warfare Officer.**

First, it's important to note that the White House didn't confirm the suspected source. It was anonymous officials who said this appeared to originate "from China" -- take that as you will.

As you point out, an attack may appear to come from a particular (set of) IP address(es), network(s), or source(s). An attack may have a certain profile, or share a profile with other attacks. An attack may have an assumed motivation based on its target. The attacker(s) may even wish to make it appear that the attack is originating elsewhere.

Even if the "source" is established, is it a nation-state? Hacktivists? Nationalist hackers acting on behalf of government or at the government's explicit or implicit direction? Transnational actors? None of the above?

...  
<http://news.slashdot.org/comments.pl?sid=3156485&cid=41516877>

.....

5

Topic: FCC-10-201 Report and Order Preserving the Open Internet - Paragraph 1 (see appendix B for the entirety)

...

Today the Commission takes an important step to preserve the Internet as an open platform for innovation, investment, job creation, economic growth, competition, and free expression. To provide greater clarity and certainty regarding the continued freedom and openness of the Internet, we adopt three basic rules that are grounded in broadly accepted Internet norms, as well as our own prior decisions:

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.....

6

Topic: FCC-10-201 Paragraph 13 (see appendix B for the entirety)

...

(Under Section Heading:)

The Internet's Openness Promotes Innovation, Investment, Competition, Free Expression, and Other National Broadband Goals

13.

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.....

7

Topic: The heart of the complaint to the FCC, the offending language in Google Fiber's Terms of Service ( <http://fiber.google.com/legal/terms.html> )

...

"You agree not to misuse the Services. This includes but is not limited to using the Services for purposes that are illegal, are improper, infringe the rights of others, or adversely impact others' enjoyment of the Services. A list of examples of **prohibited** activities appears [here](#)."

'here' is a hyperlink ( <http://support.google.com/fiber/bin/answer.py?hl=en&answer=2659981&topic=2440874&ctx=topic> ) to a page including this text-

"Unless you have a written agreement with Google Fiber permitting you do so, you should not host any type of server using your Google Fiber connection"

.....

8

Topic: Vint Cerf and Robert Kahn are called 'fathers of the internet' due to codevelopment of IP(v4/v6) the 'Internet Protocol'

...

NOTE: Wikipedia's reference for the 'fathers of the internet' attribution. Also Mr. Cerf is vice president and Chief Internet Evangelist for Google [http://campus.acm.org/public/pressroom/press\\_releases/2\\_2005/turing\\_2\\_14\\_2005.cfm](http://campus.acm.org/public/pressroom/press_releases/2_2005/turing_2_14_2005.cfm)

.....

9

Topic: Vint Cerf speaking on behalf of Google's official IPv6 website - "devices talking directly to one another"

...  
At Google we believe IPv6 is essential to the continued health and growth of the Internet and that by allowing all devices to talk to each other directly, IPv6 enables new innovative services.

...  
<http://www.google.com/intl/en/ipv6/>  
.....

10

Topic: 2k12/10/07 version of this document, submitted, received and ACKnowledged by Vint Cerf of Google [vint@google.com](mailto:vint@google.com) on October 8<sup>th</sup>, 2012.

...  
<http://cloudsession.com/dawg/downloads/misc/kag-draft-2k121007.txt>  
<http://cloudsession.com/dawg/downloads/misc/kag-draft-2k121007.pdf>  
<http://cloudsession.com/dawg/projects/righttoserve/files/kag-draft-2k121007.txt>  
<http://cloudsession.com/dawg/projects/righttoserve/files/kag-draft-2k121007.pdf>

sha512sums:

```
                d379958c74f46408266125488612c721b4c9286cb22227fb580a8
7c72d5fc5a9262b1e51d087fda05165dc1b5c83e8952c5f5da71665b5eeabe94f73ef25afbf kag-draft-2k121007.pdf
                ba2bf12c31fc8707805f9d0a24351ee340cc125b17b488b3733a63
56def4c1ed2ef602f513820bbc3a581b5c51c99e2544453f8b41f8094ff732c19d447a8d1 kag-draft-2k121007.txt
```

.....

11

Topic: Google Does Not Believe (harsh slashdot commentary no motive but money is a common explanation)

...  
NOTE: Slashdot comment from user Bob9113 hours after I publicly Facebook post the Vint Cerf Google Believes quote

...  
Google Does Not Believe (Score:5, Insightful)  
by Bob9113 (14996) on Tuesday September 18, @03:44PM (#41378269) Homepage

So does Google now believe that there's a genuine 'risk of disclosing a user's real identity'? Or is this just a case of Google's left hand not knowing what its right hand is patenting?

Google does not believe. They do not believe in protecting anonymity, nor in advancing reliable identities. Google wants money and power. There was a time when it was reasonable to think that Google believed in things, that they wanted to do good, but those times are gone. Google wants to make money on anonymity because they want to make money, not because they believe free speech depends on anonymity. They want to make money on reliable identities because they want to make money, not because they believe identities should be reliable. They want to make money on being the only one who knows the real identities because they want to make money, not because they believe one company should be the sole authenticator.

Most sufficiently large corporations have no beliefs. "I want as much stuff as I can get" is not a belief. Beliefs are things for which you are willing to make deep sacrifices. When a company sees that the patent system is broken and its public response is that they need to get more aggressive about patents, it is a clear statement that they lack motives outside of acquisitiveness and will-to-power. Avarice is not a belief, it is our default state when we choose not to elevate ourselves above the animals. Google does not believe.

...  
<http://tech.slashdot.org/comments.pl?sid=3126853&cid=41378269>  
.....

12

Topic: Internet as a 'road', corporate 'harvesting'

...  
We Can't All Be in Google's Kansas: A Plan for Winning the Bandwidth Race  
By [Susan Crawford](#) [Email](#) [Author](#) -- October 2, 2012 | -- 6:30 am

...  
Instead, incumbent internet access providers such as Comcast and Time Warner (for wired access) and AT&T and Verizon (for complementary wireless access) are in "harvesting" mode.

...  
If the current internet access providers that dominate the American telecommunications landscape could get away with it, they'd sell nothing but specialized services and turn internet access into a dirt road.

...  
Similarly, if we wanted ultra-high-speed connectivity in the U.S., we could:

1. Provide loan guarantees for building basic competitive fiber infrastructure;
2. Preempt state laws that make it difficult (or impossible) for municipalities to commission their own fiber networks;
3. **Require wholesale providers to build open, non-discriminatory networks as a condition of getting access to rights-of-way; and**
4. **Require separation between content and transport providers to avoid the risk of harvesting.**

...

<http://www.wired.com/opinion/2012/10/bandwidth-race-plan>  
.....

13

Topic: Gartner cloud services market analysis (\$100B/year wwide growing fast)

...  
Gartner Says Worldwide Cloud Services Market to Surpass \$109 Billion in 2012  
STAMFORD, Conn., September 18, 2012—

...  
The public cloud services market is forecast to grow 19.6 percent in 2012 to total \$109 billion worldwide, according to Gartner, Inc. Business process services (also known as business process as a service, or BPaaS) represent the largest segment, accounting for about 77 percent of the total market, while infrastructure as a service (IaaS) is the fastest-growing segment of the public cloud services market and is expected to grow 45.4 percent in 2012.

"The cloud services market is clearly a high-growth sector within the overall IT marketplace," said Ed Anderson, research director at Gartner. "The key to taking advantage of this growth will be understanding the nuances of the opportunity within service segments and geographic regions, and then prioritizing investments in line with the opportunities."

...  
<http://www.gartner.com/it/page.jsp?id=2163616>

14

Topic: the 'Right To Serve' debate on the Kansas Unix and Linux Users Association discussion forum

...  
- (initial thread, 57 posts, 15 authors)  
- <https://groups.google.com/forum/?fromgroups#!topic/kulua-l/LxsOtdgINM0>  
- (2<sup>nd</sup> part, 44 posts, 17 authors)  
- <https://groups.google.com/forum/?fromgroups#!topic/kulua-l/FA99TCnn3DQ>  
- (3<sup>rd</sup> part, inadvertently broken from original thread - 23 posts, 10 authors)  
- [https://groups.google.com/forum/?fromgroups#!topic/kulua-l/d6B\\_LfAvyYQ](https://groups.google.com/forum/?fromgroups#!topic/kulua-l/d6B_LfAvyYQ)

15

Topic: IPv6 - Google advertises it to townhall as part of Google Fiber

...  
Answers to your Town Hall Questions - Part 1  
June 10, 2011

...  
Q: Will you be supporting IPv6?

A: Yes, we plan to make our network IPv6 ready. To learn more about IPv6, check out this page.

...  
google fiber blog  
<http://googlefiberblog.blogspot.com/search?updated-max=2012-04-01T00:02:00-07:00&max-results=10&start=20&by-date=false>

'page' is link to <http://www.google.com/intl/en/ipv6/> (see 9)

16

Topic: alleged **anonymous leak - Google C.E.O. and C.F.O. claim no intent to enforce 'no servers' clause** ( 'barring large scale datacenter abuse')

...  
Re:EVIL: No Server Hosting Allowed (Score:5, Interesting)  
by Anonymous Coward on Monday September 10, @11:46AM (#41288357)

...  
Posting anonymously for reasons that will be obvious.

Larry Page is really annoyed by the "no servers" clause. In an internal weekly all-hands meeting he repeatedly needled Patrick Pichette about the limitation, and pointedly reminded him that the only reason Google was able to get off the ground was because Page and Brin could use Stanford's high-speed Internet connection for free. Page wants to see great garage startups being enabled by cheap access to truly high-speed Internet. Pichette defended it saying they had no intention of trying to enforce it in general, but that it had to be there in case of serious abuse, like someone setting up a large-scale data center.

I don't think anyone really has to worry about running servers on their residential Google Fiber, as long as they're not doing anything crazy. Then again it's always possible that Page will change his mind or that the lawyers will take over the company, and the ToS is what it is. If I had Google Fiber I'd run my home server just as I do on my Comcast connection, but I'd also be prepared to look for other options if my provider complained.

...  
<http://slashdot.org/comments.pl?sid=3106555&cid=41288357>

...  
NOTE, that shortly after this leak occurred, which seemed likely to potentially involve my older brother as a present figure at this 'all-hands' meeting, I asked my brother to talk to Larry Page and request either a denial of this account, or suggest that Mr. Page invest a million dollars to fund my own garage startup based on Google Fiber in Kansas City. I understood at the time how borderline extortive that may have sounded in the midst of my process of legal complaints. If that somehow nullifies any legitimate legal grievance I have with Google, then so be it. It was important enough at the time for me to read Google's response in the midst of such anonymous leaks, to my "put your money where your mouth is" response to their alleged attitudes. I would hope there are enough of my ex-colleagues at Google that could easily convince Mr. Page that the "Douglas McClendon is good with computers" business model is sufficient in the environment of a groundbreaking IPv6 gigabit fiberoptic internet deployment that allowed (even if only implicitly and off the record) residentially hosted servers to justify placing a bet on my chances of success in the market.

17

Topic: IPv6 - Google adoption status - on the cusp of internet r/evolution

Google's adoption stats

less than 0.2% till 1/1/11, but 0.4% at 1/1/12, and already greater than 0.8% as of today

<http://www.google.com/intl/en/ipv6/statistics.html>

18

Topic: Self-throttling a linux server or network's traffic - Linux Advanced Routing & Traffic Control Howto

Linux Advanced Routing & Traffic Control Howto  
by Bert Hubert and others

<http://repo.or.cz/r/lartc.git:2012/09/30>

15.1. Running multiple sites with different SLAs

You can do this in several ways. Apache has some support for this with a module, but we'll show how Linux can do this for you, and do so for other services as well. These commands are stolen from a presentation by Jamal Hadi that's referenced below. Let's say we have two customers, with http, ftp and streaming audio, and we want to sell them a limited amount of bandwidth. We do so on the server itself. Customer A should have at most 2 megabits, customer B has paid for 5 megabits. We separate our customers by creating virtual IP addresses on our server.

```
# ip address add 188.177.166.1 dev eth0
```

```
# ip address add 188.177.166.2 dev eth0
```

It is up to you to attach the different servers to the right IP address. All popular daemons have support for this.

We first attach a CBQ qdisc to eth0: .....

<http://www.lartc.org/lartc.html>

19

Topic: Good citizen established best practices for networking - Linux Advanced Routing & Traffic Control Howto

NOTE: I(dmc) do not pretend to completely grasp all nuance of all relevant technical issues. For example, if there is some issue related to this quote that requires conformance on the part of software to be a good citizen on the internet as far as bandwidth sharing goes, then I'm all for that being a requirement in the Terms of Service of ISPs. However, one would hope that any such ubiquitously good citizen practice would make it somehow into the default layers of the dominant OSs, e.g. windows and linux, such that application/user level code need not concern itself with such detail directly. (fail-safe/gracefully). I would currently guess that such exists in any defaults I would personally ever use for any application/service software I may innovatively develop. Or perhaps once or twice I might accidentally do the wrong thing, see my ISP virtually disconnect me from the network, but with a process in place for me to fix my mistake and be reconnected without being considered a criminal at any point in the process. That sounds like reasonable network management to me, but YMMV, \$0.02, etc...

Linux Advanced Routing & Traffic Control Howto  
by Bert Hubert and others

RED isn't a cure-all for this, applications which inappropriately fail to implement exponential backoff still get an unfair share of the bandwidth, however, with RED they do not cause as much harm to the throughput and latency of other connections.

<http://www.lartc.org/lartc.html> <http://repo.or.cz/r/lartc.git:2012/09/30>

20

Topic: example of 3<sup>rd</sup> party servers competing for the video conferencing over IP market (facetime net neutrality issue, mobile, but within scope)

NOTE: this is here mainly to highlight that I am aware of the difference between how existing 'Network Neutrality' rules apply to fixed broadband versus mobile broadband providers. That and this seems like potentially a useful list of tangentially interested parties.

Net Neutrality Groups Challenge AT&T FaceTime Blocking  
by David Kravets -- 09.18.12 5:03 PM

Online rights groups said Tuesday they are asking the Federal Communications Commission to weigh in on the matter. By rule, Public Knowledge, Free Press and the New America Foundation's Open Technology Institute can file their net neutrality complaint with the FCC in 10 days because the clock started ticking when the groups notified the nation's second-largest carrier of their intent Tuesday.

[http://www.wired.com/threatlevel/2012/09/factime-fcc-flap/?utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed%3A+wired%2Findex+%28Wired%3A+Top+Stories%29](http://www.wired.com/threatlevel/2012/09/factime-fcc-flap/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+wired%2Findex+%28Wired%3A+Top+Stories%29)

21

Topic: IPv6 + ssh + gstreamer + nexus7(or laptop+webcam or ...) = 'just works encrypted network video phone'

...  
The Nexus 7: Google ships a tablet  
By Jonathan Corbet -- July 31, 2012

...  
But the truth of the matter is probably more prosaic: by all accounts, the Skype application is just not an example of stellar software engineering. Unfortunately, it is an example of proprietary software, so there is no way for anybody but Skype to fix it. There should really be a place for a free-software video calling application that (1) actually works, and (2) can be verified to lack backdoors for government agencies and anybody else interested in listening in on conversations. But that application does not seem to exist at this time, alas.

...  
<http://lwn.net/Articles/508841/>

22

Topic: The FBI seems scared of non-ubiquitous (and non-backdoored) communication technologies

...  
FBI renews broad Internet surveillance push  
by Declan McCullagh -- September 22, 2012 7:00 AM PDT

...  
In May, CNET [disclosed](#) that the FBI is asking Internet companies not to oppose a proposed law that would require firms, including Microsoft, Facebook, Yahoo, and Google, to build in back doors for government surveillance. The bureau's draft proposal would require that social-networking Web sites and providers of VoIP, instant messaging, and Web e-mail alter their code to ensure their products are wiretap-friendly.

...  
[http://news.cnet.com/8301-13578\\_3-57518265-38/fbi-renews-broad-internet-surveillance-push](http://news.cnet.com/8301-13578_3-57518265-38/fbi-renews-broad-internet-surveillance-push)

23

Topic: Vint Cerf's Network Neutrality Testimony to Congress

...  
Prepared Statement of  
Vinton G. Cerf Vice President and Chief Internet Evangelist Google Inc.  
U.S. Senate Committee on Commerce, Science, and Transportation Hearing on "Network Neutrality"  
February 7, 2006

...  
Allowing broadband carriers to discriminate in favor of certain kinds of services, and to potentially interfere with others, would take control away from the end users of the Internet, and place it in the hands of those who own the network.

...  
A number of justifications have been created to support carrier control over consumer choices online; none stand up to scrutiny. Open-ended carrier discrimination is not needed to protect users from viruses, stop spam, preserve network integrity, make VOIP or video service work properly – or even insure that carriers are compensated for their broadband investments. In particular, we firmly believe that carriers will be able to set market prices for Internet access and be well-paid for their investments – as broadband carriers in other countries have successfully done.

...  
<http://commerce.senate.gov/pdf/cerf-020706.pdf>  
sha512sum: 99aca96e9d93e8eb81ece9eb8e69909d4882cf8e46084a5f25ef9585b2876b5  
abc5806562b576b3fbb5af8c8fb4462c125837b51a1473043774baa3fbf656ead

24

Topic: GoogleFiber has no public offer of server-hosting-allowed 'business class' internet service.

...  
NOTE: such lack of transparency of differential charging for business rates **violates multiple network neutrality rules** and principles in my(dmc) opinion and not-a-lawyer interpretation. In fact I would go so far as to say the lack of transparency could reasonably be perceived as a likely attempt to keep out of the public eye, discussion, and radar, (a.k.a. cover-up) the network neutrality rule violation of differential pricing for 'serving allowed' service.

...  
Google Fiber Terms Of Service (2012/10/05)

...  
Businesses

If you wish to subscribe to any Services on behalf of a business, please contact [Google Fiber directly](#). Additional terms of service apply to use of the Services by a business.

...  
<http://fiber.google.com/legal/terms.html>

25

Topic: Example of Google 'forcing' its ISP customers to effectively partner with them in business endeavors

...  
Google lays out schedule for neighborhoods  
By MIKE HENDRICKS and SANGEETA SHASTRY The Kansas City Star -- 2012/09/14

...  
Nearby, Italian restaurant Cupini's was considering ways to put Fiber to use — once businesses are included. Live cooking demonstrations could benefit from faster speeds, said owner Eddie Cupini. So would a Google Hangout video chat that would let people call in for recipe advice from the chefs.

.....  
"We'll be able to communicate with a broader group of customers and people from all over the world, maybe," Cupini said.

The restaurant, partnering with Google, already has two laptops set up so customers can see the ultra-fast speeds in action.

...  
<http://www.kansascity.com/2012/09/14/3813594/google-lays-out-schedule-for-hooking.html#storylink=misearch>

26

Topic: **The Internet Is For Everyone**  
by Vint Cerf - RFC 3271

...  
NOTE:(dmc): I don't know if I particularly agree with the 'laws work across national boundaries' bit. Personally my long term vision is to come together as one nation on one planet, i.e. to the point where there are no 'national boundaries'. Until that happens however... it's highly debatable in my opinion.

...  
This document expresses the Internet Society's ideology that the Internet really is for everyone. However, it will only be such if we make it so.

...  
By 2006, the global Internet is likely to exceed the size of the global telephone network, if it has not already become the telephone network by virtue of IP telephony. Moreover, as many as 1.5 billion Internet-enabled appliances will have joined traditional servers, desk tops and laptops as part of the Internet family. Pagers, cell phones and personal digital assistants may well have merged to become the new telecommunications tools of the next decade.

...  
Internet is for everyone - but it won't be if legislation around the world creates a thicket of incompatible laws that hinder the growth of electronic commerce, stymie the protection of intellectual property, and stifle freedom of expression and the development of market economies. Let us dedicate ourselves to the creation of a global legal framework in which laws work across national boundaries to reinforce the upward spiral of value that the Internet is capable of creating.

Internet is for everyone - but it won't be if its users cannot protect their privacy and the confidentiality of transactions conducted on the network. Let us dedicate ourselves to the proposition that cryptographic technology sufficient to protect privacy from unauthorized disclosure should be freely available, applicable and exportable. Moreover, as authenticity lies at the heart of trust in networked environments, let us dedicate ourselves to work towards the development of authentication methods and systems capable of supporting electronic commerce through the Internet.

...  
**Internet is for everyone - even Martians!**

I hope **Internauts** everywhere will join with the Internet Society and like-minded organizations to achieve this, easily stated but hard to attain goal. As we pass the milestone of the beginning of the third millennium, what better theme could we possibly ask for than making the Internet the medium of this new millennium?

**Internet IS for everyone - but it won't be unless WE make it so.**

...  
<http://tools.ietf.org/html/rfc3271>

27

Topic: TimeWarner broadband terms of service- plenty of confusing vagueness, but no outright prohibition against hosting any kind of server

...  
FIXME: need quote about particular network management practice that ends with the brain-exploding caveat - 'but not in any way that would prevent you from accessing legal services'.

...  
CITATION NEEDED (but known to exist on Time Warner's website)

.....

28

Topic: Slashdot commenter's perception of 'no servers allowed' being a common term of service for residential ISPs

...

2012/07/29

To: undisclosed@google.com

From: dawg@cloudsession.com Douglas McClendon

Subject: google's evil tos, my take and slashdot commentary highlights

<http://slashdot.org/comments.pl?sid=3007303&cid=40782503>

EVIL-TOS: Not allowed to host any type of server! (Score:5, Informative)  
by jdogalt (961241) on Thursday July 26, @03:44PM (#40782503) Journal

"so it's unlikely to make much difference unless you're planning to host a reasonably heavy server..."

Good Luck With That-

-1 google, your shiny is now worthless to me

"  
Unless you have a written agreement with Google Fiber permitting you do so, you should not host any type of server using your Google Fiber connection

"  
<http://support.google.com/fiber/bin/answer.py?hl=en&answer=2659981&topic=2440874&ctx=topic>  
[google.com] [google.com]

and not from me, but also key-

<http://slashdot.org/comments.pl?sid=3007303&cid=40783949>

FCC Open Internet ("Net Neutrality") rules (Score:3)  
by DragonWriter (970822) on Thursday July 26, @05:34PM (#40783949)

**Isn't this pretty much a universal condition for residential internet?**

**Its also about as clear a violation of the FCC Open Internet rules as one could imagine**, since it is very much not an application- or use-agnostic rule, and that it prohibits the use of lawful applications, content, and services over a fixed broadband connection.

Its not surprising that the incumbents -- whose rules predate the FCC Report and Order and who are challenging the FCC's authority to issue it -- retain such rules. It is a bit more surprising that Google -- who has generally been a backer of Net Neutrality -- would have such terms.

Thanks for listening,

-dmc

.....

29

Topic: ARSTechnica: 'limited ancillary jurisdiction' issue relating to FCC-10-201

...

US net neutrality rules finalized, in effect November 20  
by Nate Anderson - Sept 22 2011, 2:41pm CDT

...

That's the plan, at least. The FCC has just filed its final "open Internet" rules (PDF) with the Federal Register, which will publish them tomorrow and make them official. The rules go into effect on November 20, nearly a year after they were passed over Republican opposition on a 3-2 vote. (One of the FCC Commissioners who voted against the rules now works for Comcast.)

...

Rather than reclassifying broadband services in such a way that the FCC has clear jurisdiction over them, the agency relied instead on its much weaker "ancillary jurisdiction." (The legal rationale for this begins on p. 77 of the final rules, and the FCC gamely makes a case that it has the proper authority.)

...

As for the rules, they're the same modest regulations adopted back in December.

...

<http://arstechnica.com/tech-policy/2011/09/us-net-neutrality-rules-finalized-in-effect-november-20/>

.....



30

Topic: ARSTechnica: Netflix unhappy about managed services exception

...

Did the FCC just bless a capped, two-tier Internet?

by Nate Anderson -- Dec 3 2010, 7:35am CST

...

Imagine that you are Netflix boss Reed Hastings. You're busy trying to eat the cable companies' collective lunch by offering on-demand Internet streaming video; sure, you're not there yet, but it's clear this model has a bright future... except for one little worry.

The cable companies and telcos you rely on to deliver your bits also compete with you, offering profitable video services of their own that don't come through "the Internet" but are increasingly based on IP and use the exact same pipe. Should those companies be allowed to offer managed quality of service enhanced video streams over a segregated section of the last-mile Internet pipe to directly compete with your own best-effort Internet offering? And how could this possibly be a fair fight?

We don't need to imagine Hastings worrying about this scenario, though, since Netflix has made its concerns clear in writing. Back in January, the company warned the FCC about letting "managed services" swallow up the open Internet.

"The fact that network operators control the delivery pipes and generate significant revenue from content that travels over those pipes provides both the means and motive for discriminating against new ventures that might threaten revenue sources of the network operators," Netflix warned. These developments "exacerbate the growing concern that [video providers] will use their control over programming networks to stifle competition, including the growing competition from online video providers like Netflix."

Therefore, according to Netflix, the FCC should apply its open Internet principles to "managed services," too, possibly by requiring that such services could never consume more than a set fraction of the Internet pipe, reserving the rest for the "open Internet."

...

<http://arstechnica.com/tech-policy/2010/12/did-the-fcc-just-bless-a-capped-two-tier-internet/>

.....

31

Topic: ARSTechnica: republican 2005 FCC policy defending the right to services of consumers choice

...

AT&T, have you no shame?

by Nate Anderson -- Aug 23 2012, 4:06pm CDT

...

One of the ironies of FCC rulemaking is that, under Republican leadership generally hostile to the idea of legally enforced net neutrality, the FCC actually passed a 2005 "policy statement" (PDF) outlining four freedoms all Internet users could expect. Number three read:

To encourage broadband deployment and preserve and promote the open and interconnected nature of the public Internet, consumers are entitled to run applications and use services of their choice, subject to the needs of law enforcement.

...

<http://arstechnica.com/tech-policy/2012/08/att-have-you-no-shame/>

.....

32

Topic: ARSTechnica: since taxpayer money goes to the network, open-access rules important

...

How Kansas City taxpayers support Google Fiber

by Timothy B. Lee -- Sept 7 2012, 7:00am CDT

...

If a city is going to spend public funds on a new broadband network, it has an obligation to ensure that taxpayers are getting a good deal for their money. That might mean insisting on conditions, such as build-out requirements or open-access rules, that will avoid the need for yet another taxpayer-subsidized network to be constructed in the future.

...

<http://arstechnica.com/tech-policy/2012/09/how-kansas-city-taxpayers-support-google-fiber/>

.....

33

Topic: 'Wicked' broadband already in Lawrence, similar example of business complications/incentives with local governments

...

Parts of Lawrence already have super-fast Internet

By Chad Lawhorn (LJWorld) -- July 27, 2012

...

The latest twist in the dealing with the company is its new name. Montgomery said the company dissolved the not-for-profit Lawrence Freenet organization last month. All future marketing will be done under the Wicked Broadband name, which is owned by Community Wireless Corp., a for-profit corporation that holds many of the agreements with the city.

...

<http://www2.ljworld.com/news/2012/jul/27/parts-lawrence-already-have-super-fast-internet/>

.....

34

Topic: ARSTechnica: FCC legal just/basis point- Sec706 of Telecom Act: (encourage advanced telecommunications capability)

...  
NOTE: inter-human communications are 'special', why we have a Federal Commission regarding them

...  
FCC defends its "trojan horse" approach to net neutrality  
by Timothy B. Lee -- Sept 13 2012, 7:00am CDT

...  
But the FCC points to several different provisions of telecommunications law that it says justify its regulations. The centerpiece of its argument is Section 706 of the Telecommunications Act, which instructs the FCC to "encourage the deployment" of "advanced telecommunications capability."

...  
<http://arstechnica.com/tech-policy/2012/09/fcc-defends-its-trojan-horse-approach-to-net-neutrality/>

.....

35

Topic: Google's Youtube blocking 'blasphemy' speech at the behest of government pressure

...  
Obama Defends Free Speech After Asking YouTube to 'Review' Anti-Islam Movie  
By [Spencer Ackerman](#) September 25, 2012 | 11:56 am

...  
NOTE: whether or not the video in question was the result of fraud, and how that effects things, I have incomplete knowledge of. But it is clear that the pressure from the government here happened for reasons other than the fraud issue in creation, and it is clear that a similar situation could occur, e.g. the episode of South Park that Comedy Central self-censored, most likely due to fear of terrorizing retaliation.

...  
At the same time if we are serious about those ideals, we also have to acknowledge that the White House asked Google to "review" the 14-minute trailer for the anti-Mohammed video to see if it violated YouTube's terms of use. (It didn't.) And if we are serious about those ideals, we also have to acknowledge that Gen. Martin Dempsey, the chairman of the Joint Chiefs of Staff, [placed a call to the anti-Islam pastor Terry Jones](#) to see if Jones would rescind support for the movie. (He wouldn't.) Let's be clear — there's a world of difference between those requests and government *demands* for censorship. But they're still a far cry from combating hateful speech with more speech.

...  
<http://www.wired.com/dangerroom/2012/09/obama-free-speech-youtube>

.....

36

Topic: Google's Youtube debatably censoring artistic speech to local governments

...  
Google Blocks 'Innocence of Muslim' Video In Indonesia and India  
Posted by samzenpus on Monday September 17, @05:02AM

...  
from the not-in-my-country dept.

hypnosec writes "Google has blocked the anti-Islamic video, which was posted on YouTube, in Indonesia as well as India. YouTube has already denied a complete removal of the clip 'Innocence of Muslims' that mocks Islam and Prophet Mohammed. The video has led to protests and violence across the Arab world. The foreign ministry spokesperson of Indonesia and India have confirmed that Google has blocked access to the video. Indonesia has also asked RIM to filter the video on its smartphones."

...  
<http://tech.slashdot.org/story/12/09/17/0324213/google-blocks-innocence-of-muslim-video-in-indonesia-and-india>

.....

37

Topic: Amazon product advertising API (monetizing a website)

...

Product Advertising API

The Product Advertising API provides programmatic access to Amazon's product selection and discovery functionality so that developers like you can advertise Amazon products to monetize your website.

...

<https://affiliate-program.amazon.com/gp/advertising/api/detail/main.html>

.....

38

Topic: IPv4 address scarcity (and/or IP filtering to restrict customer serving) leads to inability to serve free speech over the internet

...

Any gurus reading this care to contradict this assertion that I'm not so certain of? I guess if you had a static network with all nodes continuously broadcasting (perhaps very very slowly introducing large, but in some cases tolerable latencies), maybe you could serve some slow text-free-speech data via e.g. layered ssh/http/etc protocol. Probably this is misunderstanding or simple ignorance. Thinking more maybe it only works around a probably insufficient subset of interesting cases. In ANY event however, just letting everyone use IPv6 simply and as designed, makes all of those gross workaround considerations far less relevant.

.....

39

**Topic: Google's code of conduct: their famous "Don't be evil" motto**

...

**Other activities can also be illegal, unfair, or create the appearance of impropriety. Such activities include:**

- using Google's size or strength to gain an unfair competitive advantage

...

**Google aspires to be a different kind of company. ....**

**And remember... don't be evil, and if you see something that you think isn't right – speak up!**

...

<http://investor.google.com/corporate/code-of-conduct.html#toc-competition-laws>

.....

40

Topic: A very loosely related instance of Google being accused of being a little bit 'evil'

...

Feds Move Closer to Suing Google Over Search

by Marcus Wohlsen and Michael V. Copeland -- 10.13.12 2:59 PM

...

As with Microsoft, the Google investigation has poked into virtually every part of Google's business. The gist is that as Google has expanded beyond its core search business, into things like online shopping and smartphones, it is using its muscle to favor Google products over competitors.

...

<http://www.wired.com/business/2012/10/google-gets-closer-to-a-court-date>

.....

41

Topic: Kansas City Star: most-generic business development 'frontier' hype

...

Google this: Can KC cash in on high-tech ambitions?

By YAEL T. ABOUHALKAH The Kansas City Star -- 2012/09/12

...

Is Kansas City going to be the city Version 2.0 of Seattle, Austin or Boston, attracting gobs of young people eager to live an urban lifestyle in or near a hip downtown while creating lots of cool high-tech companies?

Maybe. And maybe not.

...

<http://www.kansascity.com/2012/09/12/3811710/google-this-can-kc-cash-in-on.html#storylink=misearch>

.....

42

Topic: Lawrencian notes business advantage for relocaters to Kansas City due to GoogleFiber (and good background in the article on Milo Medin and Patrick Pichette talking with Brownback)

...  
Google picks Kansas City, Kan., for high-speed fiber network project  
By Chad Lawhorn & Melissa Treolo -- March 30, 2011, 11:35 a.m

...  
Beth Johnson, director of economic development for the Lawrence Chamber of Commerce, said the project was great news for Kansas, and said it could boost Kansas City, Kan., when companies are trying to decide where to locate within the region.

...  
<http://www2.ljworld.com/news/2011/mar/30/google-choses-kansas-city-kan-high-speed-fiber-net/>

43

Topic: Topeka's business interest in GoogleFiber

...  
Topeka renames itself to 'Google' in an effort to lure tech company's fiber optic plan  
By Associated Press -- March 2, 2010, 10:06 a.m.

...  
Topeka — Topeka's mayor says the city shall temporarily be referred to as "Google, Kansas — the capital city of fiber optics," in an effort to persuade the Internet giant to test an ultra-fast connection in the state capital.

...  
<http://www2.ljworld.com/news/2010/mar/02/topeka-renames-itself-google-effort-lure-tech-comp/>

44

Topic: Google touting the potential for innovation as initial intent (and Milo Medin Google title)

...  
Google to offer KC ultra-fast Internet for \$70/mo.  
By Maria Fisher and Peter Svensson, Associated Press -- July 26, 2012, 10:25 a.m.

...  
Google is hoping that the network could help the development of other advanced applications that can take advantage of the high speeds. It's also hoping to spur phone and cable companies into upgrading their own networks.

"Access speeds have simply not kept pace with the phenomenal increases in computing power and storage capacity that's spurred innovation over the last decade," Milo Medin, Google's vice president of Access Services, said in a blog post.

...  
<http://www2.ljworld.com/news/2012/jul/26/google-set-announce-kc-plans/>

45

Topic: Google touting the potential for innovation as initial intent (&Gaming)

...  
TO: Mayor Sly James and the City Council of Kansas City, Mo. Mayor/CEO Joe Reardon and Commissioners of the Unified Government of Wyandotte County/Kansas City, Kan., Residents of Kansas City, Mo., and Kansas City, Kan.

FROM:  
Mayors' Bistate Innovation Team

RE:  
Playing to Win: A playbook for capitalizing on ultra-high-speed fiber in Kansas City, Kansas, and Kansas City, Missouri

DATE:  
May 22, 2012

...  
PLAY: SUPPORT ONLINE GAMING DEVELOPMENT

Companies that create digital games are often at the cutting edge of information technology and new applications. Gamers tend to make some of the best digital designers and programmers with hyper-developed spatial and analytical skills.

...  
MBIT recommends enabling and encouraging the development of gaming technology businesses. Game developers will be attracted to the availability of reasonably priced high-speed fiber, the presence of creative talent in the community, and community commitment to provide business support services.

Action Steps:

Consider the location and growth of gaming technology businesses as a local economic development strategy. Work with area educational institutions to ensure that high school and college curriculum supports building a workforce with information technology skills to develop games for the commercial marketplace.

...  
<http://www.google.com/url?sa=t&rct=j&q=playing%20to%20win%20bistate%20commission%20kansas&source=web&cd=3&cad=rja&ved=0CC8QFjAC&url=http%3A%2F%2Fwww.marc.org%2Fassets%2FGoogleFiberPlaybook.pdf&ei=O89vULymOab10gGV34HwAg&usq=AFQjCNHrHW2Ay7TmFrC8doeSuRWEfpzNCAsha512sum:603b4e391bfbab5d40731e4b68f0e1a75c8d2f8acd3f48201b105aaf7fdd195b3f4b38d71a160abbe0c4ae0fbc77b900f2fb4c13a4ccbe130d82925d02839df1> GoogleFiberPlaybook.pdf

.....

46

Topic: Google touting: amazing new services and job opportunities

...  
Super fast fiber for Kansas City  
Google Official Blog -- July 26, 2012

...  
It's easy to forget how revolutionary high-speed Internet access was in the 1990s. Not only did broadband kill the screeching sound of dial-up, it also spurred **innovation**, helping to create **amazing new services** as well as **new job opportunities** for many thousands of Americans.

...  
<http://googleblog.blogspot.com/2012/07/super-fast-fiber-for-kansas-city.html>

.....

47

Topic: My 'IPv6 pokerth will be deciding factor', public facebook post

...  
Douglas McClendon  
2012/07/24

...  
Allegedly google fiber internet for KCK will be announced tomorrow I think (I'll wait for a non-video press release). decided that my deciding factor is this- between them and timewarnercable (and?), whichever one best (if at all) allows me to run a standard ipv6 un-natted service (e.g. pokerth server), will win, presuming pricing is remotely comparable. The idea that in 2012 we face NAT and ISP barriers to average consumers running some arbitrary service (like a decades old unix talk daemon/server) is... bahhh, get off my lawn.

...  
<https://www.facebook.com/douglas.mcclendon>

.....

48

Topic: I send email to potential investors

...  
2012/08/22  
From: Douglas McClendon (dawg@cloudsession.com)  
To: some Californian potential angel investors  
Subject: biz prop: "dmc the kansas google-fiber-customer profiting pioneer"

...  
and if along the way, I get rakarrack running on a raz-pi, housed in a footpedal I printed with an R&D 3-D printer... that would be cool too

think I can sell that to investors? worth pursuing? -dmc

.....

49

Topic: Potential investor worried about legal uncertainty of the Right To Serve landscape and Google's opposition

...  
NOTE: after the feedback from the Navy Information Warfare Officer, this investor has expressed interest in possibly funding legal action should neither the Kansas Attorney General, nor Google sufficiently resolve the issue.

...  
2012/08/22  
From: potential angel investor  
To: Douglas McClendon (dawg@cloudsession.com)  
Subject: Re: biz prop: "dmc the ks google-fiber-customer profiting pioneer"

Do you have a P&L spreadsheet for that investment? Just a rough model showing what you plan to spend month-to-month, what resources you'll need to line up by when, etc... also going into cloudy legal situations isn't something you want to emphasize in a pitch; people want to feel secure that the investment will pay off (or else they'll want a larger chunk of the company). Let's say you force Google to host servers, if they win some legal battle and manage to kick everyone they don't like off their networks your plan is sunk. Ultimately I'd worry that the guy who's building the fiber has final control over the system one way or another (shaping traffic on the sly, etc). Even if you're theoretically protected and Google is infringing on your rights, fighting that battle will take lawyers and lots of money, and I bet Google will eventually fight (or worse yet, abandon the attempt to build out fiber if they think the legal battle isn't worth it and the competition from people like you will leave them too little of the pie). I hope I'm not sounding too negative, just trying to add some constructive criticism.

.....

50

Topic: Does Google's left hand know what its right hand is doing? (Their HR dept tries to recruit me in the middle of all of this)

...

Note, that in prior conversations with Vu Nguyen of Google, I established that this dialogue was initiated with no involvement or reference to my older brother. (otherwise I would not have kept the topic open with this specific recruiter)

.....

2012/08/22

From: Douglas McClendon (dawg@cloudsession.com)

To: Sapna Aggarwal (sapnaagg@google.com)

Subject: Re: Hello from Google

On 08/22/2012 01:28 AM, Sapna Aggarwal wrote:

> Hi Douglas,

>

> Hope you are doing well.

>

> A colleague of mine, Vu Nguyen had reached out to you in June. Vu is not  
> with Google anymore. I noticed you had an email exchange with Vu but do  
> not have any updates on it. I just wanted to follow up to see if  
> you have any interest in exploring opportunities with us?

>

> Google is currently working to identify top talent in the world of  
> Software Engineering and System Administration. We have various  
> locations worldwide (Mountain View-CA, New York-NY, Santa Monica-CA,  
> Kirkland/Seattle-WA, Dublin-Ireland, Zurich-Switzerland,  
> Sydney-Australia, London-UK, etc).

I'm much more interested in telecommuting right now. But I'll let you know if that changes. I'm also in the middle of publicly calling google evil because of their current/initial fiber-to-kc ISP TermsOfService. I.e. disallowing any server hosting without prior written permission. E.g. even a quake3 server. Pretty lame. But not your fault, I know

cheers,

-dmc

Douglas McClendon

>

> If you are interested, I look forward to speaking with you about new  
> opportunities at Google. Please reply with the most current version of  
> your resume, contact information and some times that I can reach out to  
> you when appropriate.

>

> Best,  
> Sapna

>

> PS: If this is not of relevance to you at this time, I would appreciate  
> a brief response. If you are generous enough to refer some of your  
> friends who might enjoy working at Google I would greatly appreciate  
> that. Thank you!

>

>

> Sapna Aggarwal | Technical Recruiter |sapnaagg@google.com  
> <mailto:sapnaagg@google.com> |650.253.1109 <tel:650.253.1109>

>

> LinkedIn: <http://www.linkedin.com/in/sapnaagg>

> Inspired by working at

> Google\*

> \*

> \*: \*

> \*

> \*

> [\\_http://youtu.be/ocuuqL\\_dhrBI\\_](http://youtu.be/ocuuqL_dhrBI_)

> /Get the inside scoop

> <<http://mashable.com/2011/06/12/how-to-land-a-job-at-google/>> on how to  
> land a job a/t Google!

>

> Please click here to provide feedback.

> <<https://services.google.com/fb/forms/recruiterfeedback>>

.....

51

Topic: My first Right To Serve topic post to the KULUA discussion forum, including official FCC complain reference number

...

2012/09/01

From: Douglas McClendon (dmc.kulua@filteredperception.org)

To: Kansas Unix and Linux Users Association (kulua-l@googlegroups.com)

Subject: I just filed my 'net neutrality'/FCC-10-201 complaint regarding Google's fiber-to-KC fixed broadband internet service provisioning...

It's done. I filed my FCC form 2000F complaining about Google's violation of FCC-10-201(aka 'net neutrality'). The online form was limited to 1000 characters. (FCC must be run by ex-twitter people these days). So I kept it short and to the point- (if I get no traction, I'll continue with the 30 page essay on the topic)-

(note, this online/form tract was reached after selecting that the target of the complaint was a fixed broadband internet service provider, believed to be in violation of the 2nd(blocking) of the 3 primary open internet rules layed out in the FCC's 10-201 report and order preserving the free and open internet.

--- REF# 12-C00422224 ---

Google's current Terms Of Service[1] for their fixed broadband internet service being deployed initially here in Kansas City, Kansas, contain this text-

"You agree not to misuse the Services. This includes but is not limited to using the Services for purposes that are illegal, are improper, infringe the rights of others, or adversely impact others' enjoyment of the Services. A list of examples of prohibited activities appears here. "

where 'here' is a hyperlink[2] to a page including this text-

"Unless you have a written agreement with Google Fiber permitting you do so, you should not host any type of server using your Google Fiber connection"

In my professional opinion as a graduate in Computer Engineering from the University of Kansas (and incidentally brother of a google VP) I believe these terms of service are in violation of FCC-10-201.

[1] <http://fiber.google.com/legal/terms.html>

[2] <http://support.google.com/fiber/bin/answer.py?hl=en&answer=2659981&topic=2440874&ctx=topic>

---

-dmc

Douglas McClendon

<http://cloudsession.com/dawg>

P.S.- R.I.P. Doug Niehaus- <https://lwn.net/Articles/514182/>

.....

52

Topic: Robert Keller of Google publicly responds to discussion of spam issues as they relate to the subject

...

Date: 2012/09/04 8:27PM CDT

To: Kansas Unix and Linux User's Association (kulua-l@googlegroups.com)

From: Douglas McClendon ([dmc.kulua@filteredperception.org](mailto:dmc.kulua@filteredperception.org))

Subject: Re[KULUA] I just filed my 'net neutrality'/FCC-10-201 complaint regarding Google's fiber-to-KC fixed broadband internet service provisioning...

First on the record response from a Google employee (though I think one not working on fiber-to-KC)

<https://plus.google.com/104846107422140003469/posts/RqYDPx7X4Lh>

Here is the current full thread, which I hope gets longer but I won't repost here again-

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Douglas McClendon 2:47 PM

special note to RCK- In the depths of TL;DR land (bam taught me that one) of the current 41 posts by 10 author thread, I call you out by name to defend the idea that spam is a legitimate justification to consider blocking all incoming connection request traffic (by router config or by terms of service contractual obligation equivalent) for an entire class of nodes on the internet (residential lowest cost tier) a reasonable network management practice as defined by FCC-10-201.

Robert Keller 4:18 PM

I think that a lot of us (myself included) forget how big a problem spam is for people providing email services.

By the end of running my own sendmail (years ago), I realized that hosting email at the end of a consumer service was no longer for me. From a practical perspective its more scalable for any email service provider to blacklist all of consumer service X's networks. I figured that it was just a matter of time before the vendor I was using fell on a blacklist too, it didn't matter whether my sendmail config was secure or not.

Douglas McClendon 7:34 PM

I would argue in response to that that- a) IPv6 ending the address shortage issue allows/enables/fixes the lanscape such that a vision of the internet as described in paragraph 13 of FCC-10-201 is finally possible. b) in such a vision of the 'fixed' internet, the practice of blacklist by association (entire networks rather than nodes on blacklists) is simply no longer the correct answer. And that the obvious transition to blacklisting individual nodes instead of networks is the obvious right answer (adapted to IPv6 world). And that as an answer it will be equivalently effective. Not to mention that I think new clever and effective solutions will arise as the problem space evolves. c) we should perhaps get into more disturbing detail, as to how this relates specifically to precluding residential lowest cost tier users from hosting any server. I.e. it doesn't actually require hosting a server to send spam. Off the cuff, I'm just remembering the problem of open smtp relays, but I don't think that is applicable here, because google isn't saying you can't host an open smtp relay, they are saying you are prohibited from hosting any server of any kind. Which seems obviously overreaching in my opinion.

I believe google has an unavoidable conflict of interest as both a cloud services provider and an internet service provider. In that between letting people serve their own low traffic video (say, <100 views/month) vs using youtube, they see \$\$ when people use youtube and also view advertising. It seems unreasonable to me, in the spirit of that paragraph 13, that google as a fixed broadband ISP is allowed to block my incoming IPv6 connection request traffic that I would use to serve video via an FOSS service(apache) alternative to the current defacto standard- youtube in the cloud.

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-dmc

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Topic: My first official complaint to Google as a paid and pre-registered prospective Google Fiber customer (forwarded to KULUA mailinglist)

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2012/09/06

From Douglas McClendon (dmc.kulua@filteredperception.org)

To Kansas Unix and Linux User's Association (kulua-l@googlegroups.com)

Subject: Fwd: Re: [0-50226181] FCC 10-201 paragraph 13 as it relates to server hosting

An official (automated) response of sorts- we'll see what they say when humans get into the mix-

----- Original Message -----

Subject: Re: [0-50226181] FCC 10-201 paragraph 13 as it relates to server hosting

Date: Fri, 07 Sep 2012 03:30:06 +0000

From: fiber-support@google.com

To: dmc.gfiber@cloudsession.com

Thanks for contacting Google Fiber! We want you to know that we received your email and will respond soon.

- Google Fiber Team

Answers to common questions available at [google.com/fiber](http://www.google.com/fiber)

<<http://www.google.com/fiber>>

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original message sent by 'email' via the official google fiber contact us link/page

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Hello,

I've recently filed an FCC form 2000F complaint regarding how your current terms of service for google fiber prohibit hosting any server of any kind. I feel this is in violation of paragraph 13 of FCC-10-201 which I believe cements my right as an end-user to provide novel services to the internet at large via a server hosted at my residence connected to my fixed broadband internet service. While I have communicated secondhand with Milo Medin about this, perhaps this is a more official channel. Please tell me if I've misunderstood the concept of "Net Neutrality" or your Terms of Service. All I want is to host a linux lamp server. I.e. web pages and files served with apache via IPv6 to other IPv6 clients on the internet. And probably I'd want to host a quake3 server as well as other entrepreneurial servers I conceive of and deploy due to the abundance of helpful free and open source server software available to me.

A length debate on the subject (57 posts, 15 authors) was recently held on the discussion forum for the Kansas Unix and Linux User's Association (ironically hosted on google groups rather than someone's server at home running linux+mailman). I encourage an official response clarifying the situation from Google.

<https://groups.google.com/forum/?fromgroups#!topic/kulua-l/LxsOtdgINM0>

Thanks for any feedback, Regards,

-dmc

Douglas McClendon

dawg@cloudsession.com

(note, this online/form tract was reached after selecting that the target of the complaint was a fixed broadband internet service provider, believed to be in violation of the 2nd(blocking) of the 3 primary open internet rules layed out in the FCC's 10-201 report and order preserving the free and open internet.

--- REF# 12-C00422224 ---

<duplication removed, see section I on page 2>

--- (end of form 2000F complaint text)

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Topic: Throwing away my professional career on this issue? (getting run out of the virtual town)

...

Date: 2012/09/09

From Douglas McClendon (dmc.kulua@filteredperception.org)

To: Kansas Unix and Linux User's Association (kulua-l@googlegroups.com)

Subject: REMOVE ME

On 09/08/2012 10:56 PM, Jeffrey Watts wrote:

> On Saturday, September 8, 2012, Douglas McClendon wrote:

>

> I can take inspiration from martyrs gone by and set myself on fire  
> in front of the kansas city (google) fiber space.

>

>

> +1

>

> J.

>

> --

> You received this message because you are subscribed to the Google

> Groups "kulua-l" group.

> To post to this group, send email to kulua-l@googlegroups.com.

> To unsubscribe from this group, send email to

> kulua-l+unsubscribe@googlegroups.com.

> For more options, visit this group at

> <http://groups.google.com/group/kulua-l?hl=en>.

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Topic: I ask the FBI to help confirm the alleged praise of this manifesto from a self identifying 'Navy Information Warfare Officer'

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2012/10/04

From: dawg@cloudsession.com (Douglas McClendon)

To: kansas.city@ic.fbi.gov (Federal Beureau of Investigation)

Subject: navy information warfare officer identification?

note: feel free to forward this information request to Gary Smith of the Topeka office who has had coffee with me in the past with another agent discussing an unrelated matter.

Hello,

My name is Douglas McClendon. I was recently given[2] the e-mail address of one of the 'father's of the internet' Mr. Vint Cerf of Google. This was given to me allegedly by a self-proclaimed[1] Navy Information Warfare Officer named Dave Schroeder on a slashdot.org discussion thread about the recent alleged china cyber intrusion. There is no critical direct relation between that topic, and why he ended up giving me 'vint@google.com'.

Anyway, before I go forward with the belief that my 'manifesto' was given such high praise in a public forum by a 'Navy Information Warfare Officer', I would like to sanity check what could be a 'troll/prank'. Honestly I don't know how seriously the FBI would take someone engaging in such an impersonation. Any feedback is welcome, and worst case I can let the Kansas Attorney General do the legwork when I refer to the NIWO in the 'manifesto' that is basically a complaint about some google legaleze addressed to them (after the FCC referred my complaint to them).

Thanks,

-dmc

Douglas McClendon

785-979-7723

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[1] <http://slashdot.org/comments.pl?sid=3156485&cid=41516877>

That's one problem with cyber (Score:5, Insightful)  
by daveschroeder (516195) \* on Monday October 01, @03:20PM (#41516877) Homepage

Attribution.

Disclaimer: I am a Navy Information Warfare Officer.

First, it's important to note that the White House didn't confirm the suspected source. It was anonymous officials who said this appeared to originate "from China" -- take that as you will.

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[2] <http://slashdot.org/comments.pl?sid=3156485&cid=41533653>

A couple of things:

1. I thought your Google manifesto was very good (I know it's a work in progress).
2. I think you're reading WAY too much into certain things.

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Topic: My first email to Vint Cerf

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2012/10/08

To: Vint Cerf (vint@google.com)

From: Douglas McClendon (dawg@cloudsession.com)

CC: lwn@lwn.net

Attachments: kag-draft-2k121007.{txt,pdf,sha512sums.txt}

Subject: Do I have a 'Right To Serve' on Google Fiber's network under the principles of 'Network Neutrality'?

Dear Mr. Cerf

Dave Schroeder, a Navy Information Warfare Officer[1], or someone who ironically impersonates one on discussions on Slashdot, recently gave me your email address such that I can contact you with some concerns I have regarding Network Neutrality as it relates to the GoogleFiber (to Kansas City) internet service. Specifically, my objection is to the "prohibited from hosting any kind of server" language in the end user's consent-required terms of service legal document. I first argued the 'Right To Serve' issue for a week and a half while visiting my brother Brian McClendon (a fellow Google VP) in California. I considered that avenue exhausted after several weeks resulting in no change to the terms or other official response. I then filed a simple 1000 character form 2000F complaint with the FCC. They responded on September 5th that they lacked jurisdiction but that I might get help from the Kansas Attorney General.

Attached is the 95% complete 35 page draft of what I will submit to the Kansas Attorney General if I do not hear back within a week some insightful new feedback on the subject from you and/or Google. The pdf contains links to the earlier version which apparently Dave Schroeder the Navy Information Warfare Officer fully read and thought of as very good as well as agreeing with the essence of everything I wrote on the Network Neutrality subject[2].

I would like, as a computer engineer, to take this opportunity to thank you for your part in developing the awesomeness that is the internet. I look forward to the probability that you can quickly either explain to me the flaws in my reasoning and interpretation of Net Neutrality here, or cause Google to re-evaluate and change their seemingly unwavering stance on this issue.

In essence, you can consider the 35 page document as merely an exercise in underscoring my sheer incredulity that Google has such a hard time seeing anything wrong enough in that single line of ToS legalese to bother changing it. I hope you can convince Google or myself of some flaw in our understandings of how things ought to be on the internet.

Thank you for any consideration and/or resulting clarifications,

-dmc

Douglas McClendon

dmc@cloudsession.com

785-979-7723 (24/7 ok, but also voicemail screened)

<http://cloudsession.com/dawg>

Internet Innovator and resident of Kansas City, Kansas

[1]

...

That's one problem with cyber (Score:5, Insightful)  
by daveschroeder (516195) \* on Monday October 01, @03:20PM (#41516877) Homepage

...

Attribution.

Disclaimer: I am a Navy Information Warfare Officer.

First, it's important to note that the White House didn't confirm the suspected source. It was anonymous officials who said this appeared to originate "from China" -- take that as you will.

As you point out, an attack may appear to come from a particular (set of) IP address(es), network(s), or source(s). An attack may have a certain profile, or share a profile with other attacks. An attack may have an assumed motivation based on its target. The attacker(s) may even wish to make it appear that the attack is originating elsewhere.

Even if the "source" is established, is it a nation-state? Hacktivists? Nationalist hackers acting on behalf of government or at the government's explicit or implicit direction? Transnational actors? None of the above?

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<http://news.slashdot.org/comments.pl?sid=3156485&cid=41516877>

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[2]

...

I thought your Google manifesto was very good (I know it's a work in progress). [2k121001 version, referenced above]

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The net neutrality argument is interesting, and I have to say I agree with the essence of everything you wrote on that subject.

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<http://news.slashdot.org/comments.pl?sid=3156485&cid=41530745>

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DISCLAIMER: this communication and attachments were entirely composed on relatively low security systems. YMMV

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Topic: Vint Cerf responds to me via email, suggesting he will investigate further

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2012/10/09

From: Vint Cerf (vint@google.com)

To: Douglas McClendon (dawg@cloudsession.com)

Subject: Re: Do I have a 'Right To Serve' on Google Fiber's network under the principles of 'Network Neutrality'?

i will read your draft - as I am not directly involved in the Kansas City project, I will have to do some investigating to find out more.

v  
ia

On Mon, Oct 8, 2012 at 5:31 PM, Douglas McClendon <dawg@cloudsession.com> wrote:

Dear Mr. Cerf

.....  
.....

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Topic: My ACKnowledgement of Mr. Cerf's ACKnowledgement

...

Date: 2012 / 10 / 09

To: Vint Cerf (vint@google.com)

From: Douglas McClendon (dawg@cloudsession.com)

Subject: Re: Do I have a 'Right To Serve' on Google Fiber's network under the principles of 'Network Neutrality'?

On 10/08/2012 09:48 PM, Vint Cerf wrote:

> i will read your draft - as I am not directly involved in the Kansas  
> City project, I will have to do some investigating to find out more.

>  
> v  
> ia

Thanks. And I can hold off delivering the document to the Kansas Attorney General for an additional week if you/Google get me some preliminary official response, by say a week from today, but want another week to compose a completely detailed official response. I assure you I've never wanted to actually have to send this document, for several more and less obvious reasons.

-dmc

> On Mon, Oct 8, 2012 at 5:31 PM, Douglas McClendon <dawg@cloudsession.com>  
> <mailto:dawg@cloudsession.com>> wrote:

>  
> Dear Mr. Cerf

.....  
.....

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Topic: I email Mr. Vint Cerf of Google and tell him that I'm pretty f'ing sick of Google's silence on this issue. I truly wish it hadn't come to this.

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2012/10/15

From dawg@cloudsession.com

To Vint Cerf

CC lwn@lwn.net

Mr. Cerf,

Attached is my original official complaint to Google as a paid pre-registree for the Google Fiber service. It has been over a month now, with no official response. I beg you, or any human at Google, to please give me an official response. Otherwise I have two final acts of recourse- submitting the complaint to the Kansas Attorney General, and resigning myself from cyberspace. In my book it's your internet Vint. If I can't serve, then I can't see it as my internet, or the internet of citizens with freedom of speech(see RFC3271). And to be honest, at this point, I'm pretty fucking sick of it, and Google('s silence).

-dmc  
Douglas McClendon

----- Original Message -----

Subject: [KULUA] Fwd: Re: [0-50226181] FCC 10-201 paragraph 13 as it relates to server hosting

Date: Thu, 06 Sep 2012 22:49:45 -0500

From: Douglas McClendon <dmc.kulua@filteredperception.org>

Reply-To: kulua-l@googlegroups.com

To: kulua-l@googlegroups.com

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