[TOS Questions]

Eliason, Frank <Frank_Eliason@cable.comcast.com>
To: Nathan Adams <nate.adams3@gmail.com>

Sat, Nov 1, 2008 at 12:46 PM

From: Nathan Adams [mailto:nate.adams3@gmail.com]
Sent: Saturday, November 01, 2008 1:13 PM
To: Eliason, Frank
Subject: Re: [TOS Questions]

Thank you for responding, this has defiantly clarified some concerns I have, however, some of your responses do raise more questions. If you will also please answer these questions also that would be appreciated. And I know about other providers TOS are pretty much similar (if not more restrictive) such as Cox Communications, Time Warner, and Frontier. However, the only ISP in the US that seems to allow servers across the board (both residential and commercial) is AT&T; though they do have a stipulation for dial-up access to where you can't run servers on that...but thats the only time they prohibit server usage (http://www.att.net/csbellsouth/s /s.dll?spage=cg/legal/att.htm&leg=aupAug08 ,see "Security Violations" section 8) which makes me (maybe not other people) very curious not only about the topic of server usage but also other points such as the allowance of using said service outside the premise. And I know AT&T is only 1 company to compare to, but its also not like they are just a "ma and pa" local ISP either.

You state in response to my concern about "Technical Restrictions" section 5:
-Server is not permitted with access through our system. If you are sharing not involving our system that is up to you. But if they can access the internet it would not be permitted. They would need to purchase service. This is not a 1st amendment item. If you want to host a server with access through our network you should consider a business connection.
According to RFC 1945 [1.2] (HTTP/1.0) a server is defined as:
        An application program that accepts connections in order to
        service requests by sending back responses.
Relating that to bittorrent, a client also acts as a server in the sense that it waits for requests (connections) for parts of a file and sends back that part (response), loosely speaking of course. Does this mean that every person that uses bittorrent also has to sign up for a business package? Or is P2P protocols the exception to the rule? What about remote desktop applications like logmein, albeit even though you run a client, that client still has to wait for "connections" and send responses back to the person connected?

Technically that is not a server but rather upload. I do not believe these uses would qualify, but if it was very high bandwidth usage it could be considered operating outside the normal use for a residential user.

In response to "Network and Usage restrictions" section 2 you stated:
-No what [it] is saying is if you are creating a negative impact to other Customers, we have the right to restrict the usage. Most of what you mention would not degrade performance for others.
Isn't it true that, usually, everyone in the same neighborhood shares the same node, and if one person on that node starts to download a 4.7GB torrent (Linux DVD of course!) that everyone else on that node would be affected...albiet maybe not very much but some of the more hardcore tech people who always watch their ping time to google might be a little worried.

They could be, but it is about overall usage at a given moment, that would not have impact.

In a response to "Network and Usage restrictions" section 4 you stated:
If it is through the internet that would be a problem. If it was just within your network not involving our connection it would not.
So, if my neighbor just wants a copy of my vacation pictures off a file share, would I be required to have enough technical knowledge to block their wireless card from accessing the internet else I would be in volation of the TOS?
Also, what about all the open wireless points, are those also in violation of the TOS (granted they may not even know how to enable WEP or WPA on their AP) since someone outside the premise can connect and use their service?

You are responsible for all usage and activity that goes through your IP address. So if you opened it up and it caused your usage to exceed limitations or they did illegal activity it would be traceable back to you IP. I would not want to open up my access to have responsibility for them. I also would not want their usage to cause me to exceed limitations. How would you feel if they started to run a spam server all trackable back to you?

[Quoted text hidden]