

COSUARD.TXT

From: Steve Nuchia <nuchat!steve@uunet.uu.net>
Subject: Get Acquainted With COSUARD
Reply-To: Steve Nuchia <nuchat!steve@uunet.uu.net>
Organization: Houston Public Access

COSUARD is the Coalition Of Sysops And Users Against Rate Discrimination, a group formed to combat a unilateral move by Southwestern Bell to "correct" the long-standing de-facto tariff interpretation by which private hobby BBS's were classed and billed as residential service. The case is in the final stages of attempted negotiations toward a settlement, in my personal view it is likely to go to "trial" before the Texas Public Utilities Commission in the next few months. *

COSUARD has a bulletin board with all the legal documents and a lot of discussion of the case if anyone wants to catch up. I don't have the number of the main board, which has been down lately anyway, but the board at (713) 787-5454 should have the important stuff.

It is important to remember that the local phone companies in the U.S. are public utilities. They are government sponsored and regulated, privately owned monopolies. The services they offer and the rates they charge for those services are set by legislation (perhaps indirectly through a commission or other regulatory body). Therefore the question of what rate a customer should be charged is an equal protection question, not a supply-and-demand question.

The legislation and administrative law that regulate the phone companies in most states is designed to further a public policy objective of universal access, and consciously sacrifices "fair" allocation of costs to do so. In Texas the applicable regulations essentially state that lines run to residences and not singled out by a list of special rules for business rates are to be charged the subsidized residential rates. The special cases basically reduce to business operation, generally conforming to what a reasonable layman would expect the term to mean (including organized non-profit activity as businesses).

Southwestern Bell, which has a history of back-door maneuvering to the detriment of modem users in Oklahoma, has decided that ALL BBS's are actually businesses in disguise. Enough of that here, we can discuss it until the cows come home in alt.cosuard. Suffice it to say that, at least in the Texas case, line usage patterns are not the issue. This is true from a legal theory standpoint and has been stated on several occasions by representatives of SWB.

Finally, why should you care what rate BBS operators are charged?

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Because the data communications hobby is an important source of innovation and practical experience in the technical aspects of the art, it serves to empower the handicapped, it has the potential to become a medium for democracy at a time when traditional media are abdicating the role, and it serves as a good-will ambassador for the industry, giving thousands of people a pleasant and meaningful introduction to computers.

I like to draw an analogy between the data communications hobby of today and the ham radio hobby in its early days. In short, I stongly believe it is worth protecting, and it is vulnerable to economic pressure of the kind we are discussing. Many boards in Texas shut down when it looked like they might have to pay only about \$15 more per month -- most boards operate on a very thin budget.

Steve Nuchia, member of the board of COSUARD

* -- COSUARD is not a party to the pending legal action (nor am I),
but has a close cooperative relationship with the parties.

Steve Nuchia South Coast Computing Services (713) 964-2462
"Man is still the best computer that we can put aboard a spacecraft --
and the only one that can be mass produced with unskilled labor."
- Wernher von Braun

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