



Katharine R. Saunders  
Managing Associate General Counsel  
Federal Regulatory and Legal Affairs

1300 I Street, NW, Suite 500 East  
Washington, DC 20005  
Phone 202.515.2462  
[katharine.saunders@verizon.com](mailto:katharine.saunders@verizon.com)

October 18, 2017

**Ex Parte**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Restoring Internet Freedom, WC Docket No. 17-108**

Dear Ms. Dortch:

On October 16, 2017, Will Johnson, Verizon Senior Vice President–Federal Regulatory & Legal Affairs and I, along with Helgi Walker of Gibson Dunn LLP, met with FCC Acting General Counsel Nicholas Degani and FCC Special Counsel Kristine Fargotstein. In a separate meeting, the three of us also met with Matthew Berry, Chief of Staff to Chairman Pai; Rachael Bender, Wireless and International Advisor to Chairman Pai; and Jay Schwarz, Wireline Advisor to Chairman Pai.

In both meetings we expressed our continued support for the open Internet and concern that Title II regulation of broadband services is harmful to investment and innovation, consistent with our comments<sup>1</sup> filed in this proceeding.<sup>2</sup> In particular, we discussed the importance of the Commission ensuring that any regulatory framework that applies to broadband Internet access services recognize that these services are inherently interstate, and that federal law and policy apply a national, light-touch approach to regulation. We explained that state-specific rules relating to these services simply don't work when we are talking about services that freely cross state boundaries: a user may be in one state, but accessing content from a host in another state, while using a provider from yet a third. We also noted that as the Commission works to revive its historic light-touch approach to regulating these services, states and localities that seek to reinstate increased regulation could undermine the FCC's efforts.

We thus encouraged the Commission to create a uniform, national framework for broadband that promotes investment and innovation, and ensures that states and localities do not undermine that framework with a patchwork of contrary state or local regulation of broadband. We observed that courts have consistently recognized that the FCC has the authority to preempt

---

<sup>1</sup> See Verizon Comments, WC Docket No. 17-108 (July 17, 2017); Verizon Reply Comments, WC Docket No. 17-108 (August 30, 2017).

<sup>2</sup> See *Restoring Internet Freedom*, Notice of Proposed Rulemaking, 32 FCC Rcd 4434 (2017).

Marlene H. Dortch

October 18, 2017

Page 2

state or local laws that it deems to obstruct or conflict with federal objectives, including deregulatory policies. We also explained that there are several sources of authority supporting agency preemption of state laws that threaten to frustrate the deployment of broadband, including Section 706(a) (irrespective of whether that provision independently delegates rulemaking authority), Section 153, as well as implementing authorities such as Section 4(i); we further explained that Section 230(B)(2) confirms this approach.

Please contact me if you need any additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Katharine Saunders", with a stylized flourish at the end.

Katharine R. Saunders

cc: Nicholas Degani  
Kristine Fargotstein  
Matthew Berry  
Rachael Bender  
Jay Schwarz