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October 18, 2017

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554

RE: WC Docket No. 17-108

Dear Ms. Dortch:

On Monday, October 16th, Sarah Morris, Director of Open Internet Policy at New America's Open Technology Institute, and I met with Commissioner Jessica Rosenworcel; Travis Litman, her Chief of Staff and Senior Legal Advisor, Wireline and Public Safety; and Kate Black, her Policy Adviser, Media; to discuss matters in the above-captioned docket.

We discussed OTI's and Free Press's common views on the legal validity of – and the positive need for – the Commission's reclassification decision in the 2015 *Open Internet Order*. That decision to return to the proper interpretation of broadband as a telecommunications service accurately reads the statutory definitions and congressional mandates in the Act. It also serves as the foundation for any effective open internet rules, as well as a range of other rules promoting broadband deployment, affordability, and competition. We detailed flaws in the arguments offered by carriers, and adopted in the *Notice of Proposed Rulemaking* in this docket, which rely on interpretations unsupported by the Act and rejected by the DC Circuit Court of Appeals.

We also touched on seeming irregularities in the commenting process and the Commission's approach to this proceeding. In that vein, we mentioned the consumer complaints finally made available in response to NHMC's FOIA requests but not yet made part of this record. We also spoke to press accounts of fraudulently filed comments, highlighting the Commission's failure to address this problem by conducting a thorough and objective review of the docket instead of rushing to judge (or even pre-judge) the issues at hand.

Finally, while not the subject of an open proceeding, we expressed our gratitude to Commissioner Rosenworcel for her strong and repeated rejections of President Trump's calls to revoke broadcasters' licenses on the basis of their journalistic choices and exercise of First Amendment rights. We noted Chairman Pai's silence on the topic prior to our meeting.

Respectfully submitted,

Matthew F. Wood
Policy Director
Free Press

cc: Travis Litman
Kate Black