

October 27, 2017

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

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

On Wednesday, October 25, Lauren Van Wazer, Vice President, Global Public Policy, of Akamai Technologies, Inc. (Akamai), Stephanie Weiner of this firm, and the undersigned met with Kris Monteith, Madeleine Findley, Deborah Salons, and Joseph Calascione of the Wireline Competition Bureau and Kenneth Carlberg of the Public Safety and Homeland Security Bureau.

During the meeting, Akamai discussed issues raised in its comments and reply comments in this proceeding. In particular, Akamai asked that the Commission expressly clarify in any final order that Content Deliver Network (CDN) services differ from paid prioritization, consistent with longtime Commission precedent. Akamai explained that CDN's localize traffic by storing data near end users and identifying preferred locations for users to access content in a way that is both neutral and reduces overall congestion on the Internet. That localization of content is distinct from prioritization of content at issue in paid prioritization, which the Commission has defined, in part, as the "favor[ing of] some traffic over other traffic."¹ Akamai further explained that removing any confusion between localization and prioritization is important because the Commission's use of these terms could have global regulatory implications.

Akamai also reiterated its support for the long-held open Internet principles that ensure consumers have unfettered access to the online content of their choice—including protections against blocking and throttling, particularly where a broadband provider engages in anticompetitive conduct. Existing antitrust frameworks cannot provide meaningful relief for such conduct, particularly for small businesses and new entrants, given the massive time and resources required to pursue antitrust litigation. The Commission need not—and should not—put itself in a position where it has no ability to address broadband provider practices that favor affiliated content or entities.

Sincerely,



Scott Blake Harris
Counsel to Akamai Technologies, Inc.

cc: meeting participants

¹ 47 CFR § 8.9(b) (defining "paid prioritization").