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October 30, 2017

Ex Parte

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

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

Dear Ms. Dortch:

On October 26, 2017, Will Johnson, Verizon Senior Vice President–Federal Regulatory & Legal Affairs and I, along with Helgi Walker of Gibson Dunn LLP, met with Erin McGrath and Amy Bender, Legal Advisors to Commissioner O’Rielly.

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 comments¹ filed in this proceeding.² 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, where a user may be in one state, but she accesses content from a host in another state, 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 seeking to reinstate increased regulation could undermine the FCC’s efforts.

We thus encouraged the Commission, consistent with the white paper we filed in this proceeding,³ 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

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

² See *Restoring Internet Freedom*, Notice of Proposed Rulemaking, 32 FCC Rcd 4434 (2017) (“Notice”).

³ See Verizon White Paper, FCC Authority to Preempt State Broadband Laws, WC Docket No. 17-108 (Oct. 25, 2017).

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consistently recognized the FCC has the authority to preempt 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), and Section 153, as well as implementing authorities described in our white paper; 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 R. Saunders", with a stylized flourish at the end.

Katharine R. Saunders

cc: Erin McGrath
Amy Bender