

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

July 16, 2017

Dear Ms. Dortch,

Illinois Department of Innovation and Technology (DoIT), an Illinois State Agency, submits this letter in response to the Notice of Proposed Rulemaking¹ (NPRM) issued by the FCC on “Restoring Internet Freedom”. DoIT welcomes this opportunity to respond to the NPRM and state our position with respect to the questions raised in the NPRM.

DoIT believes rules need to be in place to ensure the Internet is Free and Open and to provide Net Neutrality protections. For Broadband Internet Access Service (BIAS) DoIT supports no blocking, no throttling, no paid prioritization, enhanced transparency and a general Internet conduct rule for both fixed and mobile service. DoIT supports the definition of these rules as stated in the 2015 Open Internet Order² released by the FCC.

DoIT recognizes there are services beyond BIAS that could provide benefit to consumers. For example healthcare monitoring and delivery via a data communications link, data communications between vehicles, multi-user virtual reality gaming, broadband provider specific entertainment or communication offerings. These services would be classified as non-BIAS data services, and should support innovative new business models.

For BIAS and non-BIAS data services, a foundational principle is that the consumer should receive what they pay for and not be provided a service the consumer has not agreed to and not paid for. For example, a 100 megabit per second (Mbps) BIAS that allows access to the Internet, with BIAS as defined by the 2015 Open Internet Order, should not block, throttle or prioritize Internet endpoints if the consumer has not explicitly allowed Internet end points to be blocked, throttled or prioritized. We believe this is best achieved by having a clear distinction between BIAS and

¹*In the Matter of Restoring Internet Freedom*, WC Docket No. 17-108, Notice of Proposed Rulemaking, 32 FCC Rcd 4434 (2017) (NPRM).

²*In the Matter of Protecting and Promoting the Open Internet*, WC Docket No. 14-28, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601 (2015) (2015 Open Internet Order).

non-BIAS data services, with BIAS not allowing blocking, throttling or paid prioritization and non-BIAS data services allowing a curated web experience or a single specific service to be offered to the consumer. The consumer would explicitly agree and pay for this non-BIAS data service separately. The broadband provider capacity available for the non-BIAS data service should be separate from the BIAS data service, thus, use of a non-BIAS data service should not negatively impact use of BIAS.

We believe it is important to highlight this distinction between BIAS and non-BIAS data services to allow development of innovative business models that address consumer needs, that are not met through a standard BIAS offering. For example, if a consumer subscribes to a BIAS offering supporting general household Internet access and the consumer also subscribes to a health monitoring and delivery service, where healthcare is remotely monitored and delivered via a data communications channel, the consumer is likely to want the healthcare service delivered with greater certainty than the standard BIAS offering. The healthcare service can be delivered via a non-BIAS data service, with service specific capacity and delivery parameters, for example, reserved bandwidth and lower latency.

We expect non-BIAS data services to become more prevalent as new technologies and services, such as Internet of Things, 5G, Smart City applications, virtual reality, healthcare and gaming are implemented. We do not want Net Neutrality protections to stifle innovation in technology or business models that are pro-consumer and pro-competition. We also do not want to stifle infrastructure investment for non-BIAS data services.

It is important to state that we do not want implementation of non-BIAS data services be used to circumvent the rules for BIAS data services, and the FCC should remain vigilant in its enforcement of the Net Neutrality rules for BIAS services. Thus broadband providers implementing non-BIAS data services that are effectively BIAS should be subject to enforcement.

Enhanced Transparency, as specified in the 2015 Open Internet Order should help ensure consumers receive what they pay for and thus we support implementation of Enhanced Transparency.

Regarding the legal framework for implementation of the rules, DoIT believes Congress should act to establish a clear legal framework for implementation of the rules. The Internet ecosystem and its evolution is too important for Congress to ignore. Broadband providers and all participants in the Internet ecosystem should have certainty and consistency in the rules of the road in establishing services and making investments.

Please don't hesitate to contact me if there are any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Hardik Bhatt". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.

Hardik Bhatt
Chief Digital Officer and Acting Secretary, Department of Innovation and Technology
State of Illinois
(312) 814 1900
hardik.bhatt@illinois.gov