

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of
Restoring Internet Freedom

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WC Docket No. 17-108

COMMENTS OF MLB ADVANCED MEDIA, L.P.

The undersigned organization respectfully submits these comments in response to the Notice of Proposed Rulemaking (the “NPRM”) from the Federal Communications Commission (the “Commission”) in the above captioned matter.¹

Background

MLB Advanced Media, L.P. (“MLBAM”) is Major League Baseball’s Internet and interactive media company. MLBAM is the nation’s leading Internet distributor of Major League Baseball (“MLB”) content. Each year fans consume billions of pages of content and video streams from MLBAM’s sites, apps and services.

We began distributing live MLB game telecasts on the Internet in 2003. Today our MLB.TV subscription service is the most comprehensive live video streaming service of its kind, distributing thousands of live MLB game telecasts to a global audience of baseball fans on personal computers, tablets, smartphones and Internet-connected devices. Our BAMTech, LLC subsidiary grew out of MLBAM, and provides services enabling other leading sports, media and entertainment brands to stream their media content on a direct-to-consumer basis.

Our businesses illustrate how broadband networks can be utilized in ways that benefit consumers, content programmers and distributors and broadband service providers alike.

¹ *Restoring Internet Freedom*, WC Docket No. 17-108, Notice of Proposed Rulemaking, FCC 17-60 (rel. May 23, 2017) (“NPRM”).

Comments

In 2015, the Commission adopted the Title II Order, subjecting Internet broadband service providers to common carrier regulations under Title II of the Communications Act.² Through the NPRM, the Commission has concluded that the Title II Order has “...resulted in negative consequences for American consumers – including depressed broadband investment and reduced innovation because of increased regulatory burdens and regulatory uncertainty stemming from the rules adopted under Title II.”³ To address these negative consequences, the Commission is proposing to reinstate the “light-touch” regulatory approach that existed prior to the Title II Order and “...favored discrete and targeted actions over traditional pre-emptive, sweeping regulation of Internet service providers.”⁴

MLBAM agrees with the Commission that it should act to minimize regulatory burdens and uncertainty throughout the broadband marketplace. While regulation should be generally disfavored, it will continue to be needed to protect lawful transmissions between online content distributors and broadband subscribers.

In 2015, the Commission promulgated “clear, bright-line” rules (the “Rules”) that prohibit fixed and mobile broadband providers from blocking or dialing-back access to lawful content, services, applications and devices, and also from charging edge providers for faster or otherwise preferential delivery of content to consumers.⁵ In the NPRM, the Commission asks whether the Rules should be maintained, modified or eliminated.⁶ Through our various roles in the broadband marketplace, we believe that the Rules should be maintained.

The Rules have been accomplishing the Commission’s long-standing objectives of keeping the Internet “...open for commerce, innovation, and speech; open for consumers and for the innovation created by applications developers and content companies; and open for expansion and investment by America’s broadband providers.”⁷ As a content programmer and distributor, the Rules allow us to reach our worldwide audience of Major League Baseball fans, and for them to communicate with us, with the assurance that broadband providers will act as neutral conduits. In our role as a service provider to enable others to stream their content, we see how the Rules encourage investment in and the growth of direct-to-consumer broadband solutions.

² *Protecting and Promoting the Open Internet*, Report and Order, 30 FCC Rcd. 5601 (2015) (“Title II Order”).

³ NPRM at 15, ¶ 44.

⁴ *Id.* at 4, ¶ 10.

⁵ Title II Order at 5607-08, ¶¶ 14-18.

⁶ NPRM at 27, ¶ 76.

⁷ Title II Order at 5603, ¶ 1.

To provide one example, the Rules have supported the emergence of Internet streaming multichannel pay television services (“vMVPDs”). Major League Baseball game telecasts and other programming are distributed on vMVPDs, and BAMTech provides services in this area. We have observed how vMVPDs benefit consumers by providing them with new choices to watch high-quality live and on-demand television programming. They also benefit content programmers by providing them with new opportunities to better serve their audiences. Finally, vMVPDs benefit broadband providers by stimulating demand for their services and, in turn, investment in their networks.

The emergence of vMVPDs shows that by supporting the Internet’s openness, the Rules have been supporting growth and innovation in the American broadband economy. It is important to note that such growth and innovation benefits all broadband stakeholders: consumers; content programmers and distributors; and broadband service providers. This outcome is an example of what the Commission has recognized as the “virtuous circle” of innovation enabled by open Internet policy: new uses of broadband networks increase consumer demand for broadband service, which drives network improvements, which in turn lead to further innovative network uses.⁸

Finally, the Rules are consistent with the Commission’s goals of minimizing regulatory burdens and uncertainty. They are not burdensome because they reflect established norms of operation by broadband providers. At the same time, they provide needed certainty in an essential area.

Respectfully submitted,

MLB Advanced Media, L.P.,
*by MLB Advanced Media, Inc.,
its general partner*

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⁸ *Preserving the Open Internet*, Report and Order, 25 FCC Rcd. 17905, 17910-911, ¶ 14 (2010).