

**Before the  
Federal Communications Commission**

**In the Matter of**

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**Restoring Internet Freedom**

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**WC Docket No. 17-108**

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**AppNexus**

July 17, 2017

Nithya Das  
SVP, General Counsel  
APPNEXUS INC.

28 West 23 Street, New York, NY 10010

I am writing in my capacity as General Counsel at AppNexus, an internet technology company that enables and optimizes the real-time sale and purchase of digital advertising.

We are based in New York City, with approximately 1,000 employees across 27 international offices. We have premier clients in every major global region. At peak, our enterprise technology platform sees 10 billion daily impressions. We handle more internet traffic everyday than Visa, Nasdaq, and the NYSE, combined.

AppNexus supports a truly open internet, and we rely on it for our business. The FCC's proposal would allow the creation of a two-tiered internet, stifling smaller companies' ability to compete with big, established incumbents. Allowing big cable and wireless companies to pick winners and losers in the market will not only harm our business, but the ability of any new entrants to the market to compete fairly with incumbents (including the cable and wireless companies themselves.)

We urge the FCC to sustain the existing, strong net neutrality rules, based on Title II of the Communications Act. The FCC should maintain bright line rules against blocking, throttling, and paid prioritization on both fixed and mobile connections, as well as ongoing oversight of other types of discrimination.

As the world's leading independent advertising technology company, we know firsthand that net neutrality is essential to an online environment in which no

company or oligarchy of companies controls the distribution of content and information, nor the monetization of it.

If the equality of the online ecosystem breaks down, the entire internet suffers: advertisers will reduce or eliminate their digital spend; publishers will lose money, which could force them to shrink or shutter their businesses; and consumers will have less choice in where they turn for their information and entertainment.

The big cable companies are themselves content providers, and we are concerned that they will favor their own content and services – destroying the goodwill and level playing field necessary for the internet ecosystem to thrive. They might also create new tolls that only big companies would be able to afford. We have already seen this happen in some cases, such as cable companies imposing fees on services like Netflix, and wireless companies exempting their own services from data caps, while charging competitors.

The proposed approach under Title I would interfere with innovation, competition, and consumer choice online. Previous court rulings have said that an approach under Title I would preclude certain bright line rules. Instead, the FCC is proposing a set of vague legal standards that would allow discrimination. Small companies do not have the legal resources to address instances of discrimination, absent the existing bright line rules and authority for ongoing oversight. By the time the lengthy process of case-by-case review of anti-competitive behavior is complete, a startup like ours would simply not exist.

The FCC's existing framework works well. It should sustain its current approach under Title II; ban blocking, throttling, or paid prioritization of internet traffic; and continue ongoing oversight of other discriminatory conduct.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nithya Das". The signature is fluid and cursive, with the first name "Nithya" being more prominent than the last name "Das".

Nithya Das  
SVP, General Counsel  
AppNexus