

# LGBT Technology Partnership

August 30, 2017

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Dear Chairman Pai,

As a national nonpartisan group of LGBT organizations, academics and high technology companies, LGBT Tech is dedicated to strategic engagement in public policy issues impacting the ever-evolving technology industry. After submitting initial comments in Docket 17-108, our organization has continued to review the subject and reaffirms the positions in our July 17, 2017 filing. We offer the following thoughts in support of our original filing.

Over the past two decades, the Internet has transformed the lives of millions of Americans. For LGBT individuals in particular, the ability to connect with the larger LGBT community and access vital resources such as educational and health information has been critical. Today's vibrant technology ecosystem is a sign that the Clinton era approach of minimal government intervention in the development of the Internet has worked well. It is absolutely necessary that federal broadband policies remain focused on bringing robust internet connectivity to as many people as possible.

However, given that Internet governance rules seem to change with each new presidential administration, Congressional legislation is the best way to ensure broadband rules provide certainty and stability for future Internet development. Until we see Congressional legislation, the FCC should adopt rules that ensure all actors in the Internet ecosystem are governed uniformly.

Any rules that either the Commission adopts or Congress promulgates should preserve a free and open internet, as well as empower the Federal Trade Commission (FTC) to continue to regulate ISPs in the same manner as other online data collectors. This can be achieved by either reclassifying ISPs as information service providers, or by Congress making clear that the FTC has sole jurisdiction to apply consistent, technology-neutral regulations to the privacy practices of all online entities, including ISPs. We also encourage the FCC to revise its broadband privacy rules so they are truly consistent with the FTC's time-tested and successful privacy framework that protects data for all consumers and treats all companies equally, thereby avoiding consumer confusion.

With regard to net neutrality, LGBT Tech stands by the principles set forth in the FCC's 2010 Open Internet Order regarding the continued freedom and openness of the Internet.<sup>i</sup> The principles of transparency, no blocking, and no discrimination of legal content should be upheld in any FCC framework for the protection of a free internet. However, imposing a Title II classification on ISPs was not the best solution to protect net neutrality. The FCC should reclassify ISPs under Title I. Not only will this ensure that ISPs are regulated in the same manner as all other players in the Internet ecosystem, but Title I is better aligned with the way we use the Internet. Seeing that users generally use the Internet to generate, acquire, store, transform, process, retrieve, utilize, and make available information, Title I is the most appropriate classification.

LGBT Tech supports Internet regulations that ensure full and equal access for LGBT consumers, and our organization remains concerned that applying different standards to different participants in the Internet ecosystem will harm consumers. Congress and the FCC should focus on creating policies that are responsive to the current Internet environment and that have been crafted specifically to address the modern problems we face. It is clear that a bipartisan law in Congress is the most essential piece to codifying net neutrality principles and ensuring a stable environment where investment and innovation can thrive. Until such a law is passed, the FCC should reclassify ISPs under Title I where they can be regulated in the same manner as all other players in the Internet ecosystem, ensuring consistency and uniformity while ensuring the bedrock principles of net neutrality are protected.

Sincerely,

*Carlos Gutierrez*

Carlos Gutierrez  
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LGBT Technology Partnership

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<sup>i</sup> See *In the Matter of Preserving the Open Internet*, Report and Order, FCC 10-201, GN Docket No. 09-191 (Released December 23, 2010).