

**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

**REPLY COMMENT OF THE CENTER FOR INDIVIDUAL FREEDOM IN
SUPPORT OF PROCEEDING RESTORING INTERNET FREEDOM**

August 30, 2017

I. Introduction

The Center for Individual Freedom (hereinafter "CFIF") is a non-profit organization with over 250,000 grassroots supporters and activists across the United States. It was established in 1998 for the purpose of safeguarding and advancing Constitutional rights, as well as ensuring continued American innovation, prosperity, leadership, entrepreneurship and worldwide technological preeminence.

As a central part of that mission, CFIF advocates public policies that advance internet, technological and broadband development most freely, effectively and efficiently. On that basis, CFIF respectfully submits the following Reply, urging the Federal Communications Commission ("FCC") to restore internet freedom by rescinding its flawed and overreaching decision to classify broadband internet access service as a "telecommunications service" under Title II of the Federal Communications Act.

II. Discussion

The United States must return to the pro-growth, light-touch regulatory framework that for over two decades encouraged internet innovation, investment, and progress.

As stated in our July 17, 2017 Comment in Support of Proceeding Restoring Internet Freedom, CFIF urges the FCC to rescind the imposition of heavy-handed Title II rules on internet access service and restore the regulatory structure that was in place when internet access was accurately classified as an "information service" under Title I of the Communications Act.

When the previous administration forced antiquated Title II regulations on internet access service, it suddenly and needlessly jeopardized the web's legacy of innovation and technological entrepreneurship. That policy change placed bureaucrats in charge of internet service, instead of the private-sector engineers and visionaries who built it into the high-tech tool that has improved our daily lives in immeasurable ways.

Although Title II overregulation and government micromanagement of broadband providers has only been in effect for a short time, it has already suppressed growth in the industry. Studies estimate that it diminished internet investment by as much as \$30 to \$40 billion a year, which represents a significant loss of potential funding for expanded access, service upgrades and new product development. Recovering that lost investment could also spur the creation of high-paying jobs and boost economic growth.

Accordingly, it's imperative that the FCC repair the previous administration's policy error in order to restore more robust investment.

Additionally, it's extremely important not to conflate Title II with "net neutrality." Although the previous administration rationalized imposition of Title II by claiming it necessary to maintain net neutrality, Title II is not a prerequisite to achieving net neutrality.

CFIF fully supports protections for online consumers and the free flow of information and ideas on the web. We also believe, however, that net neutrality can best be protected not by destructive Title II rules, but rather by a clearly written statute, passed by Congress, that protects the open internet. Congress clearly possesses authority to pass such a statute, and a growing consensus supports that type of legislation.

Through that type of two-tiered process combining FCC and Congressional action, the U.S. can finally achieve an enduring, consistent, national framework for broadband internet access services. By its very nature, the internet constitutes an

inherently interstate service, which should guide the FCC and Congress in crafting rules applicable to it. That framework, rather than a confusing patchwork of state and local regulation, becomes more important by the day as the internet plays a progressively vital role in everything from education to healthcare to America's ability to compete in the global economy. By restoring regulatory certainty, the FCC can provide the internet ample room to continue growing in the way it has for over two decades prior to imposition of Title II regulation.

III. Conclusion

CFIF believes that a free and open internet, unencumbered by stifling Title II regulation and instead safeguarded by a nationwide broadband policy framework, remains essential to ensuring American prosperity, leadership, innovation and technological progress. For that reason, CFIF again urges the FCC to eliminate the flawed Title II utility classification, while supporting efforts in Congress to pass a permanent net neutrality statute.

Respectfully submitted,

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