

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	WC Docket No. 17-108
Restoring Internet Freedom	)	

**REPLY COMMENTS OF AKAMAI TECHNOLOGIES, INC.**

As explained in our initial comments, Akamai believes that the Commission should retain enforceable protections to ensure a free and open Internet, consistent with its statutory authority. We emphasize here that, whatever the Commission decides, it should describe that decision in terms that accurately reflect the underlying Internet ecosystem to prevent unintended consequences—particularly overseas. It is important that the record in this proceeding makes clear that the localization services provided by CDNs, like Akamai, are different from the paid prioritization banned under the 2015 rules. Clarity on the meaning of such key terms comports with long-standing FCC precedent and is crucial to avoid any misunderstandings by international regulators looking to the FCC for guidance.

The NPRM’s discussion of paid prioritization could be misunderstood to conflate paid prioritization and content delivery arrangements, like CDNs.<sup>1</sup> The record in this proceeding, however, correctly distinguishes the two. A number of commenters joined Akamai to make clear that CDN services do not constitute paid prioritization.<sup>2</sup> As the Internet Association explains, for

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<sup>1</sup> See *Restoring Internet Freedom*, Notice of Proposed Rulemaking, FCC 17-60, WC Docket No. 17-108, 32 FCC Rcd. 4434 ¶ 87 (rel. May 23, 2017) (“How should the existence of [content delivery network] arrangements impact our evaluation of whether Internet service providers should be able to offer an alternative delivery option such [as] paid prioritization?”).

<sup>2</sup> See Comments of Akamai Technologies, Inc. at 10-11, WC Docket No. 17-108 (filed July 17, 2017). All comments cited herein were filed in WC Docket 17-108.

example, “CDNs localize edge provider content by bringing it closer to the end user,” but such “[l]ocally stored content . . . is delivered on the same terms as other content and applications.”<sup>3</sup> The Internet Association further delineated the roles played by ISPs and CDNs in the Internet ecosystem. Unlike ISPs, which are the sole path by which edge providers can reach the ISP’s subscriber, edge providers may elect to use CDNs, which operate in a competitive environment, to help deliver traffic more efficiently.<sup>4</sup> Public Knowledge and Common Cause likewise explain that such “alternative traffic delivery arrangements. . . . are different than paid prioritization” and the “same rules should not apply to both.”<sup>5</sup> Indeed, as these commenters point out, such localization “reduc[es] congestion in ISP networks”<sup>6</sup> and “create[s] additive gains to network capacity and efficiency.”<sup>7</sup> In other words, the record demonstrates that CDN transmissions of locally stored content are not only neutral, but also beneficial for the Internet ecosystem as a whole—even for those content providers that do not use CDN services.

The Commission should therefore remove any confusion and expressly restate in any final order the FCC’s long-held view that CDN services do not constitute prioritization. Doing so is not only technically accurate, but also would prevent the risk that international regulators—looking to the FCC for guidance—could improperly conflate the two.

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<sup>3</sup> Comments of Internet Association at 29 (filed July 17, 2017) (“Internet Association Comments”).

<sup>4</sup> *Id.*

<sup>5</sup> Comments of Public Knowledge and Common Cause [Updated Version] at 122 (filed July 19, 2017) (“Public Knowledge Comments”).

<sup>6</sup> Internet Association Comments at 29.

<sup>7</sup> Public Knowledge Comments at 122.

Respectfully submitted,

/s/ Lauren M. Van Wazer

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