

Barbara van Schewick  
Professor of Law and by Courtesy, Electrical Engineering  
Helen L. Crocker Faculty Scholar  
Director, Center for Internet and Society

**VIA ECFS**

August 31, 2017

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20544

Re: **Erratum to Reply Comments of Prof. Barbara van Schewick and Patrick Leerssen  
of August 30, 2017, *In the Matter of Restoring Internet Freedom*, WC Docket No. 17-  
108**

Dear Ms. Dortch:

On August 30, 2017, we, Barbara van Schewick and Patrick Leerssen, submitted Reply Comments to the Docket No. 17-108. These comments were timely filed, but due to a technical problem contained errors that do not reflect our views on four key points. We therefore provide the following corrections, and ask that this erratum be added to the record in the aforementioned docket:

1. On page 12, the final sentence currently reads:

“As part of these orders, the FCC also explicitly rejected the arguments that changes made to a packet header that occur during network transmission happening as part of the general operation of the transmission service, are part of the basic transmission service and, “without more, fail to alter the customer’s data in a manner that results in the delivery of “different” data to the termination point.”

The underlined passage is substituted as follows:

“As part of these orders, the FCC also explicitly rejected the arguments that changes made to a packet header that occur during network transmission as part of the general operation of the transmission service meet the definition of “enhanced service” and concluded that such changes, “without more, fail to alter the customer’s data in a manner that results in the delivery of “different” data to the termination point.”

2. On page 32, the second sentence in the second paragraph currently reads:

“This exception, which follows the pre-1996 category of “adjunct-to-basic” features, applies to services that (1) are intended to facilitate the use of traditional telephone service and (2) do not alter the fundamental character of telephone service.”

The underlined words are substituted as follows:

“This exception, which follows the pre-1996 category of “adjunct-to-basic” features, applies to services that (1) are intended to facilitate the use of a basic service and (2) do not alter the fundamental character of that basic service.”

3. On page 39, the second sentence in the second paragraph currently reads as follows:

“Firstly, ISP caching by its very nature is limited to traffic aimed at repeat usage, and does nothing to facilitate content that is only used once – vast swaths of internet traffic including email and all real-time communications such as Voice-over-IP (VOIP), and IPTV.”

The underlined words are substituted as follows:

“Firstly, ISP caching by its very nature is limited to traffic aimed at repeat usage, and does nothing to facilitate content that is only used once – vast swaths of internet traffic including email and all real-time communications such as Voice-over-IP or video conferencing.”

4. Due to an unforeseen technical error, the numbering and formatting of section headers in the original filing fails to reflect the structure of the underlying arguments. To rectify this, the document headers are amended as follows:
  - 1) Subsections are to be numbered independently for each individual Section (rather than in a single, ascending series for the entire document).
  - 2) The header for Section I (“BIAS includes distinct information services as well as a telecommunications service”) is promoted to form the overall (non-numbered) thesis statement of this filing.
  - 3) The header for Subsection I.1 (“Bias includes Telecommunications”) is promoted to form the header for Section I.
  - 4) The headers for Subsections II.6 through II.9 are demoted to form non-numbered subheaders for the new Section II.2.

For the convenience of the Commission and parties to this proceeding, we are filing a copy of the corrected submission as an attachment to this erratum. This copy also corrects a small number of typographical and formatting inconsistencies that do not alter the substance or the pagination of the filing.

Finally, although we consider this to be unambiguously clear in light of the form, content and context of our original submission, we wish to clarify that our August 30, 2017 submission is intended as a Reply Comment, and ask that it be recorded in the aforementioned Docket as such.

Please contact the undersigned with any questions.

Sincerely,

/s/ Barbara van Schewick  
Professor of Law and, by Courtesy, Electrical Engineering  
Helen L. Crocker Faculty Scholar  
Director, Center for Internet and Society  
Stanford Law School

/s/ Patrick Leerssen  
Open Internet Fellow, Center for Internet and Society  
Stanford Law School

Attachment:

Corrected Copy of Reply Comments