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September 21, 2016

The Honorable Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Ex Parte* Submission
Protecting and Promoting the Open Internet, Guidance on Open Internet Transparency Rule Requirements, GN Docket No. 14-28
Nineteenth Annual Report on the State of Mobile Wireless Competition, WT Docket No. 16-137

Dear Ms. Dortch:

On September 20, 2016, the undersigned, along with Doug Suttles, Jamie Steven and Luke Deryckx of Ookla, Inc., met with the FCC personnel listed below to discuss the above-referenced proceedings. Consistent with our September 6, 2016 letter, we explained that, in light of the questions surrounding the Mobile Measuring Broadband America program, the Commission should reevaluate its approach. Specifically, we encouraged the Commission to improve transparency, increase accuracy, optimize policy outcomes and bolster innovation and competition within the broadband sector by relying on an array of data sources. We also distributed the attached outline, which summarizes our prior submission to those with whom we met.

We met with the following FCC personnel:

Stephanie Wiener, Office of Chairman Wheeler
Erin McGrath, Office of Commissioner O'Rielly
From the Wireless Telecommunications Bureau:
- Joel Taubenblatt
- Chad Breckenridge
- Betsy McIntyre
- Paroma Sanyal
- Karen Sprung

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From the Wireline Competition Bureau:
Matthew DelNero
Madeleine Findley
Christine Fargotstein

Pursuant to Section 1.206(b)(1) of the Commission's rules, an electronic copy of this notice is hereby filed in the above-referenced proceedings.

Sincerely,

Angela E. Giancarlo /s/

Angela E. Giancarlo
Counsel for Ookla, Inc.

Attachment
cc: Chad Breckenridge
Matthew DelNero
Christine Fargotstein
Madeleine Findley
Erin McGrath
Betsy McIntyre
Paroma Sanyal
Karen Sprung
Joel Taubenblatt
Stephanie Wiener

Ookla, Inc. —The Benefits of Speedtest®

Ookla was established in 2006 by a small team of internet and technology veterans. The company has become a global leader in broadband testing, network diagnostic applications and data, with products including Speedtest apps, Speedtest Intelligence and NetGauge. Ookla solutions have been adopted by nearly every internet service provider (ISP) in the world.

Ookla believes any new rules written to protect, promote and provide guidance on open internet transparency should always use additional sources when evaluating the performance of wireless networks. In light of the questions surrounding the Mobile Measuring Broadband America program, it is advisable that the Commission reevaluate the current approach and rely on diverse data sources that would optimize research results and policy outcomes.

Ookla is a demonstrated authority on internet accessibility and performance. Ookla developed applications that allow individual consumers easy and direct access to information about their network connections and service providers, including performance and accessibility. Currently, these applications are being used by consumers in over 200 countries with more than nine-billion consumer-initiated tests to date.

Consumer-initiated testing is superior to other testing methods. Speedtest®, a thorough connectivity test, ensures an accurate maximum throughput result and gives consumers the flexibility to test any time from any location, including their own devices. Ookla's applications rely on over 5,000 geographically-distributed servers. Consumers have run Speedtest® on tens of thousands of different device models, across billions of locations worldwide. Speedtest® applications are available on a multitude of devices, including tablets, laptops, desktop computers, TVs, network routers, Wi-Fi access points, and network testing appliances.

Consumer-initiated testing is more reliable than drive testing. Drive-testing is limited to data collected in areas where cars can drive and excludes the vast majority of locations where consumers access the internet. Moreover, drive test methods rely on test hardware that does not represent the tremendous variety of devices that actual consumers use.

Consumer-initiated testing is more thorough than background testing. Background test applications, when installed on a consumer's device, run periodic background tests whenever the device is on and do not necessarily coincide with a time when the consumer actually accesses the internet. Background test results do not include data associated with consumers using Apple devices, which is approximately 40 percent of U.S. smartphone users.

Consumer-initiated testing is superior to passive testing. Passive testing monitors the network usage of other applications on the mobile device itself. This testing does not measure the full capability of the internet connection, but only the throughput afforded to a specific service or application. Given that background and passive testing is available on a number of devices that is smaller than the number used by Ookla Speedtest® consumers, the resulting data is limited.

Ookla's data set is comprehensive and accurate. Speedtest® applications measure all types of network connections, including fixed broadband, LANs, local wireless networks and cellular connections. Speedtest® captures data for an array of areas and not only those where most Americans live. With respect to measuring mobile consumers specifically, Speedtest® yields statistically meaningful data for 100 percent of the Commission's Cellular Market Areas.

The Commission has a duty to all stakeholders to ensure the completeness and accuracy of broadband network performance testing. Transparency, together with reliance on diverse data sources, optimizes research results and policy outcomes and leads to the innovation and competition that benefit consumers. Wireless consumers will only benefit from the Commission's use of additional data sources in connection with its evaluation of network performance.