Ms. Marlene H. Dortch

Secretary

Federal Communications Commission

445 12th Street, S.W.

Washington, DC  20554

**Re: Notice of Ex Parte Presentation Concerning Restoring Internet Freedom, WC Docket No. 17-108**

On Tuesday, November 7th, Katie McAuliffe, Executive Director of Digital Liberty and Federal Affairs Manager at Americans for Tax Reform, met with Brooke Ericson, Erin McGrath, and Amy Bender of Commissioner O’Rielly’s Office, to discuss a number of topics before the Commission including, broadcast media ownership reform, the Telephone Consumer Protection Act, and the Restoring Internet Freedom proceeding.

This filing addresses the Restoring Internet Freedom proceeding. Separate filings cover the additional topics.

Americans for Tax Reform and Digital Liberty support Restoring Internet Freedom by rolling back the Open Internet Order.

We believe a light touch regulatory approach that does not involve Title II is the best approach to internet regulation. Title II will slow deployment, which prevents unserved and underserved areas from receiving access. It also prevents additional competition from entering markets, so that Americans have more providers to choose from for their internet service.

We agree with Commissioner O’Rielly that many of the most serious problems preventing increased Internet deployment originate at the state and local level. That includes misguided regulations on equipment and infrastructure, such as delayed permits with excessive fees for siting equipment, accessing rights-of-way, and deploying attachments.

However, since the Commission began the Restoring Internet Freedom proceeding, a number of states have taken it upon themselves to institute privacy rules that dictate business models, and some may even consider their own version of Title II rules.

For example, a California ballot initiative would prevent ISPs from offering discounts to customers based off of the sharing of information. The state should not preempt that business model, especially as we move into a world where a person’s data my become more valuable than any other currency. California implementing this law would affect the possibility of this business model existing in other states.

Rules governing traffic follow would also affect commerce within other states – information is fragmented, spread across the globe, and moves often. We cannot have states, in effect, creating their own data localization rules.

The costs and consequences of complying with a patchwork of many state privacy or Title II-esque laws throughout the country would make it much more difficult for ISPs to maintain and expand their services, and invest in the next generation of broadband. As such, state level laws governing internet traffic would leave consumers with fewer choices, outmoded technology, and an overall lower quality internet experience.

State-based rules of this nature would likely fail in court since the Internet is clearly interstate commerce. However, the Commission should seriously consider reiterating that rules governing the follow of internet traffic can only originate at the federal level in its final Restoring Internet Freedom Order.

For more detail on the position of Americans for Tax Reform and Digital Liberty, please find enclosed our comments previously submitted for the record.

Thank you for your consideration.

Regards,

Katie McAuliffe

Executive Director, Digital Liberty

Federal Affairs Manager, Americans for Tax Reform

722 12th Street NW, Fourth Floor

Washington, D.C. 20005

202-785-0266