

November 13, 2017

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

VIA ECFS

Re: Restoring Internet Freedom, WC Docket No. 17-108

Dear Ms. Dortch:

News reports and other sources reveal that the pending Restoring Internet Freedom (RIF) order will likely repeal the prior Commission's reclassification of ISPs as common carriers, thus moving U.S. Internet policy back to the "light touch," Title I regulatory framework intended by Congress in 1996, and which was so successful in growing the Internet in the first place.

While this is welcome news, forces supporting the prior rule have aligned against the RIF to "RESIST" the progress proposed by the present Federal Communications Commission (FCC) in the 17-108 docket. Instead of working with the FCC to shape the RIF more to their liking, or with Congress to fashion a comprehensive, sustainable policy which would help the Internet further flourish for all Americans, they have enlisted the support of "RESIST" legislators in the states and localities to back-door utility regulation of ISPs, seeking to outright frustrate "light touch" regulation for the broadband Internet.

Over the past year, legislators in 30 states have introduced numerous bills designed to sabotage congressional revocation of the prior Commission's ISP privacy rules, attempting to reinstate provisions of those rejected rules at the state level. All indications are that this strategy will continue and, worse yet, morph beyond the realm of privacy. Should these tactics find success, the end result would be a conflicting conglomeration of laws which would greatly undermine both the RIF's goal of restoring true Internet freedom for all Americans, and the FCC's role as exclusive regulator of interstate communications services. This must not happen.

In our 17-108 Reply Comments,¹ MediaFreedom noted:

"If the rulemaking does not gut the former rules in their entirety, we hope those that remain will provide a 'light touch,' comprehensive Federal framework to guide the development and growth of the Internet ecosystem – one which recognizes the preeminent Federal interests at stake here, but which also allows states to experiment consistent with this framework..."

Provision of broadband Internet access service is an interstate communications / information service. By virtue of this, Congress has given the FCC exclusive jurisdiction to regulate this field. Consequently, MediaFreedom believes the FCC has ample authority to preempt state or local legislation which interferes with its overarching, regulatory framework.² While this may be self-evident, out of an abundance of caution, when the FCC issues its RIF order, MediaFreedom urges the

¹ See MediaFreedom Reply Comments, WC Docket No. 17-108 (August 30, 2017).

² In this regard, other commenters have suggested the FCC possess additional sources of authority to preempt state laws, such as 47 U.S.C. §153, and 47 U.S.C. §706(a).

FCC to affirmatively express that its rule preempts state and local efforts which obstruct or conflict with the RIF's uniform, national framework.

MediaFreedom believes the FCC's efforts to un-do the damage caused by the previous Commission cannot come too soon. It can ensure continued success for its RIF rule by clearly preempting state and local laws that seek to undermine the rule and / or the FCC's underlying authority to reconstitute “light touch” regulation for the broadband Internet.

Respectfully Submitted,

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