

November 16, 2017

Ex Parte

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

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

On November 15, 2017, Sandy Reback of Akamai Technologies, Inc. (Akamai), Stephanie Weiner of this firm, and the undersigned met with Amy Bender, legal advisor to Commissioner O’Rielly.

During the meeting, Akamai discussed issues raised in its comments and reply comments. In particular, Akamai asked the Commission, consistent with its precedent, to clarify in any final order that Content Deliver Network (CDN) services differ from paid prioritization. Akamai explained that CDN’s localize traffic by caching data near end users and by identifying preferred locations for users to access content in a way that is both neutral and reduces overall congestion on the Internet. It also noted that localization of content is distinct from prioritization, which the Commission has defined, in part, as the “favor[ing of] some traffic over other traffic.”¹ Akamai explained that removing any confusion between localization and prioritization is important because the Commission’s use of these terms could have global regulatory implications.

Akamai also reiterated its support for the long-held open Internet principles that ensure consumers have unfettered access to the online content of their choice – including protections against blocking and throttling, particularly where a broadband provider engages in anticompetitive conduct. Akamai suggested that under Title I and Section 706 the Commission need not, and it should not, put itself in a position where it has no ability to address broadband provider practices that unfairly favor affiliated content or entities. Finally, Akamai suggested that the FCC – created by Congress as an expert agency for the communications sector – was the most appropriate and effective agency to protect competition in the sector.

Sincerely,



Scott Blake Harris
Counsel to Akamai Technologies, Inc.

Cc: Amy Bender

¹ 47 CFR § 8.9(b) (defining “paid prioritization”).