December 05, 2017

**VIA ELECTRONIC SUBMISSION**

Marlene H. Dortch, Secretary

Federal Communications Commission

445 Twelfth Street SW

Washington, DC 20554

**RE: Notice of Written *Ex Parte* presentation in Restoring Internet Freedom, WC Docket No. 17-108**

Dear Ms. Dortch:

On November 22, 2017, Federal Communications Commission Chairman Ajit Pai released a draft Declaratory Ruling, Report and Order, and Order in Restoring Internet Freedom (WC Docket No. 17-108). The Benton Foundation commends the Commission’s commitment to transparency and allowing the public to review the item before it is voted on at the December Open Commission Meeting scheduled for Thursday, December 14, 2017.

Transparency is a key ingredient to facilitate democratic participation, accountability, and trust in government. But is just one ingredient. Policymakers need to be transparent in their deliberations, citizens must be engaged in important matters of the day, *and* both elected and appointed decisionmakers must be responsive to the public’s input.

Benton hopes that the Commissioners will acknowledge that it's rare for ordinary Americans to speak up about free expression and corporate accountability in the internet industry; and it is hard for a person who works, commutes, and takes care of family to find time to participate in government proceedings -- and to research and write what the FCC might deem "substantive" comments. The FCC should recognize that personal experience is substantive, too.

After review of the draft Declaratory Ruling, Report and Order, and Order, Benton strongly urges the Commission to reject the item. The proposed rules will allow broadband providers to block, speed up or slow down websites, applications, and services; charge online companies for access to the provider’s customers and block those that don’t pay; and to enter into deals with online companies to put them in a fast lane to the broadband provider’s customers. This is not just a departure from the 2015 Open Internet Order, it is a departure from the Commission’s historic commitment to internet freedom. As far back as 2004, FCC Chairman Michael Powell publicly warned broadband providers not to interfere with the vibrant, free markets for internet content, applications, and services. The current proposal, in essence, tells providers that it is OK to interfere with their customers access to content, applications, and services – as long as they disclose this behavior. The proposal disarms the Commission and moves broadband providers from light-touch regulation to no regulation.

Benton has been a frequent commenter in this docket, raising concerns about how weakening the 2015 Open Internet will impact:

* **Democracy** – including free speech and democratic participation
* **Innovation** – including development of the internet of things
* **Investment** – including companies that depend on their customers' continued and unimpeded access to the Internet
* **Small businesses** – including small digital media companies and small broadband internet access service providers,

Upon our review of the draft Declaratory Ruling, Report and Order, and Order, we find these concerns unaddressed. Please reject this item and let the 2015, court-approved Open Internet Order stand.

Respectfully submitted,

Adrianne B. Furniss

Executive Director

Benton Foundation

Cc: Chairman Ajit Pai

Commissioner Mignon Clyburn

Commissioner Michael O’Rielly

Commissioner Brendan Carr

Commissioner Jessica Rosenworcel