

Communications
Workers of America
AFL-CIO, CLC

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Via Fax & E-mail

December 7, 2017

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Dear Chairman Pai:

RE: Ex Parte Notice. In the Matter of Restoring Internet Freedom. WC Docket No. 17-108

The Communications Workers of America (CWA) strongly opposes the radical proposal to eliminate essential safeguards that protect an Open Internet. CWA urges the FCC to delay the December 14 vote on these rules and go back to the drawing board to adopt clear, enforceable rules that protect a free and open Internet while promoting job-creating investment in broadband networks.

The draft proposal abolishes long-standing rules that prohibit Internet Service Providers (ISPs) from blocking content, slowing down Internet traffic, or giving favorable treatment to some websites and applications over others. These three bright-line rules were first articulated in the 2005 Internet Freedom Policy Statement unanimously adopted by the Commission under Republican Chairman Kevin Martin and codified by the Commission in both the 2010 and 2015 Open Internet Orders.

The proposal would replace these critical Open Internet rules with a “trust me” regime, essentially handing the keys to Internet openness to broadband providers. “Trust me” is not enough. We need clear, enforceable rules to protect a free and open internet, with FCC authority to enforce any violations.

By eliminating the FCC's Open Internet rules, the FCC would turn enforcement of Internet freedom over to the Federal Trade Commission (FTC). But the FTC currently lacks authority over broadband providers that are also common carriers, pending the outcome of a case before the U.S. Court of Appeals for the Ninth Circuit. As a result, there is no agency at this

time with authority to protect an open Internet from abusive practices by cable or telecom companies. Internet users need a real cop on the beat to protect Internet freedom.

The proposed rules also eliminate the FCC's jurisdiction over mobile broadband, an increasingly important way that people, particularly low-income consumers, access the Internet. The proposed rules preempt critical state authority over broadband networks. And the proposed rules are based on a faulty economic analysis that erroneously claims that open Internet rules have dampened broadband network investment. In fact, the top 15 broadband providers invested \$72.9 billion, \$73.3 billion, and \$72.6 billion in capital expenditures in 2014, 2015, and 2016 respectively. This evidence shows that providers are investing in their networks under the current regime that protects consumers. The rules are working.

CWA has consistently supported the FCC's authority to protect an open Internet with the three bright-line, common sense rules: no blocking, no throttling, and no favorable treatment to some websites and applications over others. These rules are working to protect a free and open Internet while at the same time encouraging investment in high-speed broadband networks. They must be preserved.

Sincerely,

A handwritten signature in black ink, reading "Debbie Goldman". The signature is fluid and cursive, with the first name "Debbie" and last name "Goldman" clearly legible.

Debbie Goldman
Telecommunications Policy Director
Communications Workers of America

cc: Commissioner Mignon Clyburn
Commissioner Michael O'Rielly
Commissioner Jessica Rosenworcel
Commissioner Brendan Carr