Public Knowledge

October 23, 2014

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

RE: Notice of *Ex Parte* presentation in: GN Docket No. 14-28

Dear Ms. Dortch:

On behalf of Public Knowledge, this letter is to provide information relating to discussions between Public Knowledge (PK) and members of the Commission's staff at a meeting on October 21, 2014.

Harold Feld and Michael Weinberg of Public Knowledge met with Scott Jordan, Chief Technology Officer of the Commission.

PK discussed various technical aspects of the Commission's open internet NPRM, as well as suggestions raised in PK's comments in this docket. With regard to a category of proposals associated with Mozilla and Professor Tim Wu, PK raised concerns that their complex nature could create unexpected difficulties for enforcement in the future. However, these difficulties did not necessarily disqualify them from consideration by the Commission.

PK also repeated its belief that any user-controlled prioritization on the network should truly be the result of user decisions and control, and should not involve payment from edge providers to ISPs for prioritization. In the context of quality of service (QoS) guarantees specifically, PK expressed a belief that allowing a regulated service such as voice phone calling to operate within a specific specialized service could be permissible under strong open internet rules. However, such services would have to continue to operate under existing regulatory structures and protections. This "rights and responsibilities" structure would reduce the possibility that specialized serviced could be gamed by ISPs to the detriment of competing third party services.

PK also discussed interconnection.[1] There is no doubt that the harms contemplated in the open internet proceeding can also be created by abuses of interconnection agreements. However, this market dynamic is not new, and has been addressed before in the telephone context. While the Commission does not necessarily have to fully resolve questions related to interconnection in the open internet docket, any strong open internet rules would recognize the possibility for interconnection-based abuses and begin to take steps to address them. The triggering mechanism

[1] PK discussed some issues raised in Harold Feld's April 3 blog post *My Insanely Long Field Guide to Understanding FCC Chairman Tom Wheeler Statement on Peering*, http://www.wetmachine.com/tales-of-the-sausage-factory/my-insanely-long-field-guide-to-understanding-fcc-chairman-tom-wheeler-statement-on-peering/.

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for punishment could vary, and could include edge company complaints and/or a comparatively efficient interconnection standard.

Finally, PK urged the Commission to implement strong transparency rules. PK detailed the challenges it has experienced gathering information for its recent open internet complaint against wireless carriers,[2] and expressed hope that future transparency obligations would facilitate public understanding of network operations and streamline identifying real disputes in transparency complaints.

In accordance with the FCC's *ex parte* rules, this document is being electronically filed in the above-referenced dockets today.

Sincerely,

_____/s/_____
Michael Weinberg
Vice President
Public Knowledge

CC: Scott Jordan

[2] Information available at https://www.publicknowledge.org/news-blog/blogs/putting-the-open-internet-transparency-rule-to-the-test