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Ms. Gigi B. Sohn
Special Counsel for External Affairs
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Re: *In Re Protecting and Promoting the Open Internet*, GN Docket No. 14-28

Dear Ms. Sohn:

I am writing to bring your attention to an essay, *Does the FCC really not get it about the Internet?*, which I recently published on the Washington Post. It is available online at <http://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/10/31/does-the-fcc-really-not-get-it-about-the-internet/>. The essay criticizes the false distinction between edge providers and end users and explains why the distinction is not only false, but misleading and not a helpful foundation upon which to build a regulatory regime for Internet communications. I also refer to my book, *Infrastructure: The Social Value of Shared Resources* (Oxford 2012), which provides a thorough framework for understanding the social value of the open Internet and proposes a very specific nondiscrimination rule. The key to an open Internet is a prohibition on discrimination or prioritization based on the identity of the user (sender/receiver) or use (application/content). Some FCC staff may recall my presentation on November 21, 2013 to the Office of Strategic Planning & Policy Analysis – Economic Seminars. In addition to the Washington Post essay, I have taken the liberty of attaching my slide presentation as well as the [chapter](#) from the book that concerns network neutrality.

Sincerely,

Brett M. Frischmann

cc: Jonathan Sallet, Phil Verveer, Stephanie Weiner, and Matt Del Nero