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November 10, 2014

VIA ECFS

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

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

Dear Ms. Dortch:

On November 6, 2014, the undersigned, together with the following representatives of Microsoft Corp., spoke by telephone with Phil Verveer, Senior Counselor to Chairman Tom Wheeler, about matters pertaining to the above-referenced proceeding: David Heiner, VP, Deputy General Counsel; Fred Humphries, VP, U.S. Government Affairs; and Jim Lamoureux, Senior Attorney.

Microsoft noted at the outset of the discussion that it has given considerable thought to the issues raised in the Commission's *Notice of Proposed Rulemaking* in this proceeding, as evidenced by the comments filed by the company in the docket. Microsoft noted that in the "cloud first, mobile first" environment in which it operates, strong and enforceable open Internet rules are critical to ensuring that edge providers can continue to innovate and compete effectively with one another in a way that ultimately inures to the benefit of consumers.

A number of parties in this proceeding have presented arguments for and against a range of proposals designed to achieve robust and legally enforceable open Internet regulations that can withstand judicial scrutiny. Microsoft noted that while it has identified the types of regulations it believes are needed to foster an open Internet, it has not taken a position on whether the Commission should use Section 706 or Title II of the Communications Act to promulgate them. What is important, Microsoft noted, is that these regulations be put in place in a legally enforceable manner.

The record contains a number of proposals to pursue a "hybrid" approach, under which some aspects of Internet connectivity would be governed by Section 706 and others by Title II. Here again Microsoft observed that the key is to establish legally enforceable rules, whether one regulatory regime, the other, or a hybrid of the two is best. Microsoft also observed that a number of parties have raised questions and concerns about how various aspects of a hybrid approach would work in practice, and Microsoft shared its belief that those matters should be fully addressed if the Commission is to proceed with a hybrid approach.

Any questions concerning this submission should be addressed to the undersigned.

Respectfully submitted,

/s/

Paula Boyd

cc: Phil Verveer