



12 November 2014

**VIA ECFS**

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

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

Dear Ms. Dortch,

On Monday, 10 November 2014, Lauren Van Wazer, Vice President, Global Public Policy, of Akamai Technologies, Inc. (Akamai), participated in a large group<sup>1</sup> meeting with Chairmen Wheeler, Daniel Alvarez, Gigi Sohn, Eric Feigenbaum, and Matthew DelNero to discuss this proceeding. Akamai made the following points:

A. The issues of peering and interconnection present complex commercial, technological, and policy considerations. The FCC does not have enough of a record in this proceeding to decide whether any regulation of peering and interconnection relationships is warranted.

B. One issue that we think bears watching and that might need a regulatory backstop is the risk that ISPs will give competitive advantages to vertically integrated content providers and content delivery networks (CDNs)—thus extending their market power from the last mile of the network into other services.

C. We think the Commission's original proposal to use Section 706 to govern the relationship between ISPs and consumers was well crafted.

D. The content delivery network sector is small but, we believe, crucial for consumers and for the health of the broadband network. By caching content close to edge of broadband networks, CDNs dramatically improve the consumer experience while helping to reduce congestion across broadband networks. Moreover, CDNs are not like ISPs, and while they are similar to content providers, there are also important differences. Any FCC Open Internet Order should take into account the unique and valuable role that CDNs play.

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<sup>1</sup> Other private sector participants in the meeting were: Joseph Cavender (Level 3), Corie Wright (Netflix), Dave Schaeffer (Cogent), Brian Huseman (Amazon), Angie Kronenberg (COMPTEL), David Hoover (NTCA), Paul Plofchan (ADT), and Colleen Boothby (Ad Hoc Telecom Users Committee).

E. We know that international concerns cannot govern domestic regulatory decisions. On the other hand, global regulators watch what this Commission does. The use of Title II is fraught with international implications, as is any suggestion that broadband service is a basic telecommunications service, since those services have long been regulated by the ITU. It is important for the Commission to craft any ruling in such a way as to avoid encouraging the ITU and foreign governments from regulating broadband as they do legacy telecom services.

Sincerely,

*Scott Blake Harris*

Scott Blake Harris  
*Counsel to Akamai Technologies, Inc.*

cc: Office of Chairman Wheeler  
Gigi Sohn  
Eric Feigenbaum  
Matthew DelNero