



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

**November 20, 2014**  
**Re: Notice of *Ex Parte* Presentation**  
**RE: GN Docket Nos. 14-28, 10-127**

Dear Ms. Dortch,

This letter is to advise you, in accordance with the Commission's rules, that on November 18, 2014, the undersigned spoke with Jonathan Sallet, General Counsel, and Stephanie Weiner, Associate General Counsel. The substance of our presentation was grounded in, and consistent with, the petition submitted by Mozilla to the Commission on May 5, 2014 and comments and reply comments filed by Mozilla, all included in the above referenced dockets. In our presentation, we articulated the points recently published on our policy blog,<sup>1</sup> included in this notice as well. We also discussed the applicability of rules to mobile and fixed services, and in that context, reiterated our position that for Internet users, their perception is of one Internet and Web regardless of the access service. While mobile plans are often packaged along with carrier co-branded devices, which may include additional applications and services, the experience of the user is, and should continue to be, driven by the user's choices, not by the access service. Smartphones are used over fixed connections (by way of local WiFi access points) as well as mobile, and computers are used over mobile connections (through smartphone-powered hotspots) as well as fixed. Finally, we discussed specialized services, and identified the recent language adopted by the EU Parliament defining the scope of such services as an example of a principle for guiding rules around such services to prevent them from undermining open Internet rules against blocking and discrimination.<sup>2</sup>

Sincerely,

/s/ M. Chris Riley

M. Chris Riley, Mozilla  
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cc: Jonathan Sallet, Stephanie Weiner

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<sup>1</sup> <https://blog.mozilla.org/netpolicy/2014/11/10/what-we-need-to-do-to-save-the-internet-as-we-know-it/>

<sup>2</sup> The EU language is as follows: “*‘Specialised service’ means an electronic communications service optimised for specific content, applications or services, or a combination thereof, provided over logically distinct capacity, relying on strict admission control, offering functionality requiring enhanced quality from end to end, and that is not marketed or usable as a substitute for internet access service.*” See, e.g., <https://gigaom.com/2014/04/03/european-parliament-passes-strong-net-neutrality-law-along-with-major-roaming-reforms/>



## **What we need to do to save the Internet as we know it**

*Denelle Dixon-Thayer, Senior Vice President, Business and Legal Affairs*

Today, President Obama [announced his support](#) for clear, enforceable rules to protect net neutrality, grounded in “Title II” reclassification by the Federal Communications Commission. We’re nearing the end of a long, sustained fight to get strong, effective protections for net neutrality. Now it is time to take it to the finish line.

Imagine a world where a small handful of powerful companies decide what information is available and accessible on the Internet. Or, a world where someone else chooses what you should (and shouldn’t) see on the Internet. Or, a world where you can no longer access your favorite website because it’s not part of the suite of content offered in your area.

Preventing the Internet that you just imagined is why the net neutrality fight is so important to the Mozilla community. It is about protecting the core ethos of the Internet. It is about ensuring that it remains an engine of innovation, opportunity and learning. It is about standing up to those in power with a core assertion: the Web is not owned by any one of us; rather, it is shared by all of us.

In the spring, the U.S. Federal Communications Commission proposed rules that would have gutted the free and open Web. Under its original proposal, we would have seen the emergence of a two-tiered Internet — a fast one that benefits the few companies that can afford to pay; and a slow one for the rest of us.

The Internet community quickly responded, mobilizing itself for a long, sustained fight. Around the country, everyone from small business owners to librarians told their stories of why net neutrality was important to them. People saw the debate for what it really was — a few cable company goliaths trying to hoodwink the mainstream public and change the nature of the Web. We fought back with a resounding voice — the greatest amount of public engagement the FCC has ever seen — demanding strong net neutrality.

Today, as the FCC is closing in on a decision about net neutrality, tensions are rising over if and how it will adopt rules grounded in Title II authority. Title II would empower the FCC to prohibit the discrimination created when someone else can control which content is accessible. The question of where the FCC gets its authority — Title II or something else — is important. If the FCC chooses to rely on the wrong authority, the rules could be weakened, challenged, or overturned.

We have a view on both the authority and the rules required.

First, we believe that the FCC’s authority must come from Title II, and that full Title II reclassification is the cleanest, simplest path forward.



Second, we want a baseline set of protections that incorporate Title II. These protections include strong rules against blocking and discrimination of content, and should apply to the ‘last mile’ portion of the network controlled by the Internet access service provider.

In short, the FCC must not create separate fast lanes that enable prioritization of content over the Internet not based on reasonable and transparent network management.

Finally, because there is only one Internet, we believe the same framework and rules must be applied to mobile as well as fixed access services. It is time to bring mobile into the open Internet age.

Anything less than strong, enforceable rules against blocking, discrimination, and fast lanes, grounded in Title II, is unacceptable. Anything less than this is not the Mozilla baseline or the Mozilla proposal.

In the 25 year history of the Web there have been moments when the masses have stood up to the powerful forces that seek to control it; the launch of Firefox, which defeated the one-browser monopoly of Internet Explorer; the fight that stopped SOPA/PIPA from becoming law; the recent protests in Hungary against an Internet tax.

This is our moment to save the Internet as we know it, and the President’s focus on the issue demonstrates that we can win this fight, and get the FCC to adopt strong, enforceable rules to protect net neutrality. We stand with our Community ready to fight if our baseline is not met.