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CENTER FOR DEMOCRACY
& TECHNOLOGY

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December 3, 2014

Filed in ECFS

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

Re: Notice of Ex Parte Presentation, *Protecting and Promoting the Open Internet*, GN Docket No. 14-28; *Framework for Broadband Internet Service*, GN Docket No. 10-127

Dear Ms. Dortch,

On December 1, 2014, Chris Calabrese, Senior Policy Director for the Center for Democracy & Technology (“CDT”), and the undersigned met with Stephanie Weiner, Associate General Counsel, and Matthew S. DelNero, Deputy Bureau Chief, Wireline Competition Bureau. At the meeting, CDT expressed its continued commitment to meaningful end-to-end open Internet protections placed on the strongest legal foundation possible and with the broadest support possible. Both Title II of the Communications Act¹ and Section 706 of the Telecommunications Act² have a role to play in achieving that goal.

Under any Title II approach, the Commission can and should forbear from applying many of Title II’s provisions to broadband Internet access service. In connection with the factors set forth in Section 10 of the Communications Act,³ Section 706 offers guidance and support for forbearance decisions by providing a separate basis of rulemaking authority and directing the Commission to use regulatory forbearance when doing so would encourage broadband deployment.⁴ However, CDT advised caution in any forbearance from Section 222.⁵ Rules

¹ 47 U.S.C. §§ 201-276.

² *Id.* at § 1302.

³ *Id.* at § 160.

⁴ *Id.* at § 1302(a).

⁵ *Id.* at § 222.



protecting the confidentiality of customer proprietary network information have been essential to building consumers' trust in their telecommunications providers. Privacy concerns are as prevalent with respect to broadband Internet access service as they are with respect to wired and wireless telephone service, and any forbearance decision must account for those concerns.

Finally, CDT encouraged the Commission to move quickly in concluding this proceeding. The record developed in the above-referenced dockets is more than sufficient to support the promulgation of strong open Internet protections on a solid legal foundation.

Sincerely,

/s/ Erik Stallman

Erik Stallman

Director, Open Internet Project

Center for Democracy & Technology