



COMMONWEALTH OF
PUERTO RICO

Telecommunications Regulatory Board
Office of the Chairman

December 8, 2014

Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

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

As Chairman of the Puerto Rico Telecommunications Regulatory Board (PRTRB), I hereby express my agreement with the President of the United States and with Chairman Wheeler on the point that the Internet must remain an open platform for free expression, innovation, and economic growth, but within a fair legal framework.

Regardless of the regulatory approach chosen, the Federal Communications Commission (FCC) should, as a minimum, recognize administrative authority to safeguard the following principles:

1. No Internet Service Provider (ISP) should be allowed to block user access to lawful websites.
2. No ISPs should willfully speed up web content through premium, paid prioritization lanes or other means, in detriment of, or throttling down other content.
3. Regardless of whether Title II classification of broadband service is the preferred avenue or whether a *sui generis* or perhaps a mixed Title II / Sec. 706 approach is decided upon, neither category should authorize the FCC or State Commissions (including PRTRB and those in the territories), to burden ISPs with needless regulatory obligations. The Internet must remain a haven for innovation, and the FCC and State Commissions should continue promoting and incentivizing network investment, and forbear from creating unnecessary regulatory costs, which is the path we have been following at PRTRB.
4. Any new norm adopted must continue to recognize Federal and State Commission authority to incentivize broadband infrastructure and services via universal service assessment and incentive mechanisms and explicitly include all telecommunications and broadband providers. The *Universal Service* definition should be clearly construed to include high speed internet service. State Commissions, including PRTB and the territories, must enjoy the maximum flexibility practicable under their respective Universal Service programs to support high speed internet.
5. Any norm adopted should allow for maximum Federal and State (including Commonwealths and territories) protection of user/consumer rights such as contractual compliance, protection of privacy and other civil or constitutional rights particularly relevant in digital contexts. Markets and technical innovation must continue to be the main drivers of Internet deployment and adoption. But market problems require empowered users/consumers in order to be solved, and accessible fora, like PRTRB and other State Commissions, are necessary to enforce user/consumer rights promptly and fairly.



6. Any new rules adopted should be technology-neutral, that is, they should apply in equivalent form, regardless of whether the service is delivered via wireline or by wireless infrastructure and technologies.

To conclude, I take this opportunity to inform a very pertinent declaration on the matter at hand recently promulgated by REGULATEL (Latin American Forum of Telecommunications Regulatory Entities), which PRTRB currently chairs. As you are aware, REGULATEL is comprised of twenty Latin American and three European (Spain, Portugal and Italy) telecommunications regulators, and this past November we held our Plenary Meeting in San Juan. Besides our membership, we were honored by the attendance of the International Telecommunications Union (ITU), the Body of European Regulators of Electronic Communications (BEREC), the Directorate General for Communications Networks of the European Union (DG Connect), the Caribbean Telecommunications Union (CTU) and the Internet Corporation for Assigned Names and Numbers (ICANN). The membership of our Forum, by consensus, approved the following statement (translation is ours):

"Finally, we recognize that the Internet has produced enormous benefits in terms of global social and economic development. The Internet has erased borders, built new forms of production and use of knowledge and expanded the possibilities of direct involvement of the people in the public sphere. The Internet allows the development of a more open and free society and we therefore believe in a free and open Internet."

Respectfully submitted.


Javier Rúa-Jovet
Chairman

- c: Hon. Tom Wheeler, Chairman
Ms. Marlene H. Dortch, Federal Communications Commission Secretary
Ms. Kristine Fargotstein, Competition Policy Division, Wireline Competition Bureau
Ms. Mindel de la Torre, International Bureau