



February 11, 2015

**Ex Parte**

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

Re: Protecting and Promoting the Open Internet, GN  
Docket No. 14-28; Framework for Broadband Internet  
Service, GN Docket No. 10-127; WC Docket Nos.  
14-115 and 14-116

Dear Ms. Dortch:

On Monday, February 9, 2015, Walter McCormick and I, representing USTelecom, met with Commissioner Rosenworcel to discuss the Commission's pending proceeding on the Open Internet. We reiterated the position of our industry that the substantive goals of the Commission and President Obama can be readily accomplished without resort to reclassification under Title II. The Title II reclassification would reverse a longstanding bi-partisan consensus which broadband providers have relied on in investing over a trillion dollars in building the Internet and under which edge and content providers have met unprecedented growth and success. A Title II reclassification is likely to prevent innovations in broadband service that would present consumers with options for lower cost lower usage or other tailored plans, which will harm adoption. We argued that the apparently limited and uncertain forbearance contemplated by the draft order would not cure the ill effects of a sea change in the longstanding regulatory status of broadband service. Finally, we discussed the provision of broadband by municipal providers and the absence of Commission legal authority to pre-empt state laws governing how the political sub-divisions of a state conduct their affairs.

Pursuant to Commission rules, please include this ex parte letter in the above-identified proceedings.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan Banks".

Jonathan Banks  
Senior Vice President, Law & Policy

c: Priscilla Argeris