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February 13, 2015

VIA ELECTRONIC SUBMISSION

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

***Re: Protecting and Promoting the Open Internet; Framework for Broadband
Internet Services; GN Docket No. 14-28; GN Docket No. 10-127***

Dear Ms. Dortch:

On February 11, 2015, Bob Quinn, Gary Phillips, Christopher Heimann, and I, on behalf of AT&T, met with Amy Bender, Legal Advisor to Commissioner O’Rielly, and with Nicholas Degani, Legal Advisor to Commissioner Pai. During the meetings, we discussed the above-referenced proceedings.

In particular, we discussed the Commission’s authority to adopt Open Internet rules. We explained that the Commission cannot lawfully reclassify retail Internet access as a common carrier service under Title II of the Communications Act, and that any attempt to do so would extend the Commission’s authority far beyond the authority that it exercised over DSL transmission services offered on a common carrier basis by telephone companies prior to 2005 (and still offered on that basis by many rural telephone companies). We further explained that the Commission cannot invent an imaginary service, purportedly offered by Internet service providers to potentially every endpoint on the Internet, for purposes of extending its jurisdiction to core Internet functionalities.

We also discussed the Commission’s authority to apply Open Internet rules to mobile broadband services. We explained that the Commission cannot plausibly reconcile any proposal to re-interpret the phrase “public switched network,” as defined in section 332(d)(2) of the Communications Act, to include the Internet in order to regulate Internet services under Title II. Such an interpretation, which would ascribe to Internet services the same regulatory status as the public switched telephone network, would render absurd the policy statement of the United States, as found in section 230(b)(2), that the Internet should be unfettered by Federal and State regulation. It would be exceedingly strange to suggest that the public switched telephone network is unfettered by Federal and State regulation.

Finally, we discussed the lack of the adequate notice for many of the rules described in a recent Commission document entitled "Fact Sheet: Chairman Wheeler Proposes New Rules for Protecting the Open Internet."

Pursuant to section 1.1206 of the Commission's rules, this letter is being filed electronically with your office for inclusion in the public record of the above referenced proceeding. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Henry G. Hultquist". The signature is fluid and cursive, with a prominent initial "H" and a long, sweeping tail.

Henry G. Hultquist

cc: Amy Bender
Nicholas Degani