



Henry Hultquist  
Vice President  
Federal Regulatory

AT&T Services Inc. T: 202.457.3821  
1120 20<sup>th</sup> Street, NW F: 202.457.3072  
Suite 1000  
Washington, DC, 20036

February 19, 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 17, 2015, Bob Quinn, Christopher Heimann, and I, on behalf of AT&T, spoke by telephone with Rebekah Goodheart and Louis Peraertz, Legal Advisors to Commissioner Clyburn. During the meeting, 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 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.

We also discussed the lack of 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." As AT&T has previously explained, the Commission's failure

to provide adequate notice for a number of the proposals under consideration has resulted in a record that is bereft of support for the Commission's actions. For example, the Commission has no record basis on which it could determine that every ISP holds itself out as a common carrier. To give just one example, AT&T does not offer its GigaPower service indifferently to the public, and there is no basis in the record on which the Commission could mandate that AT&T do so.

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 black ink, appearing to read "Henry G. Hultquist". The signature is fluid and cursive, with the first name "Henry" being the most prominent part.

Henry G. Hultquist

cc: Rebekah Goodheart  
Louis Peraertz