

VIMEO, LLC

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General Counsel

February 19, 2015

By ECFS

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

Re: Applications of Comcast Corporation and Time Warner Cable Inc. to Assign or Transfer Control of FCC Licenses and Authorizations, MB Docket No. 14-57; Protecting and Promoting the Open Internet, GN Docket No. 14-28; Framework for Broadband Internet Services, GN Docket No. 10-127

Dear Ms. Dortch:

Vimeo, LLC (“Vimeo”) submits this letter in the above-referenced proceedings to emphasize the need for the Federal Communications Commission (the “Commission”) to forcefully address the interconnection issues affecting millions of consumers. We were pleased to read Chairman Wheeler’s announcement that the Commission will assert authority over interconnection in the Open Internet proceeding. We wish to inform the Commission of new data that reinforces the Commission’s conclusion that interconnection congestion must be remedied.

As we have previously observed,¹ the problems concerning congestion at interconnection are not limited to those companies that actually interconnect to carriers. Rather, congestion at interconnection affects small Internet companies, who do not use content delivery networks (“CDNs”), as well as larger Internet companies that do use CDNs. The former suffer from poor quality of service, while the latter suffer from higher prices that are passed by their CDN providers.

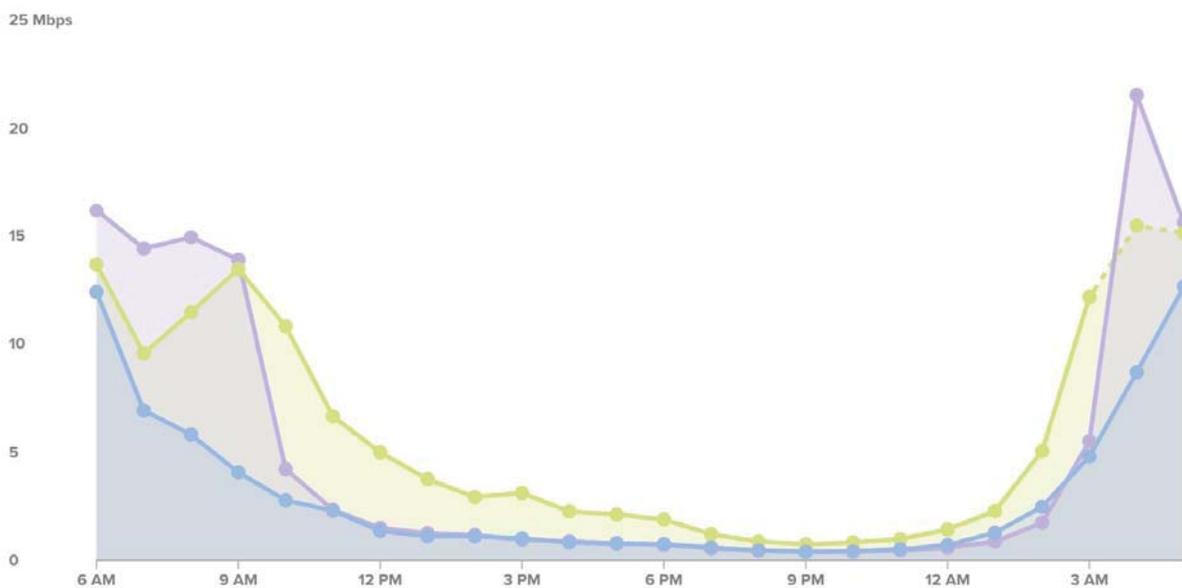
¹ Letter of Vimeo, LLC, Protecting and Promoting and Open Internet, Applications of Comcast Corporation and Time Warner Cable Inc. to Assign or Transfer Control of FCC Licenses and Authorizations, GN Docket No. 14-28, MB Docket No. 14-57, p. 1, Oct. 24, 2014, <http://apps.fcc.gov/ecfs/document/view?id=60000975584> (observing that interconnection fees “are not subject to market competition” and that carriers’ ability to demand them “may reverse the historical decline in transit and [CDN] prices that have allowed companies like Vimeo to bring new and innovative services to consumers”).

The problem of carrier-induced congestion at the point of interconnection is well documented. Studies such as Open Technology Institute's report, *Beyond Frustrated*,² and Measurement Lab's 2014 report, *ISP Interconnection and Its Impact on Consumer Broadband Performance*,³ demonstrate massive disruption to consumer quality of service between 2013 and 2014. For example, in January 2014, Cogent saw its links with New York ISPs degrade during peak hours, as the following graph illustrates:⁴

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New data from Measurement Lab's *Internet Observatory*, a platform for monitoring interconnection performance, shows that interconnection with large last-mile carriers has continued to suffer from high levels of congestion into 2015 without

² Open Technology Institute, "Beyond Frustrated: The Sweeping Consumer Harms as a Result of ISP Disputes," New America Foundation, Nov. 12, 2014, <http://www.newamerica.org/oti/beyond-frustrated-the-sweeping-consumer-harms-as-a-result-of-isp-disputes/>.

³ Measurement Lab Consortium, "ISP Interconnection and its Impact on Consumer Internet Performance," Oct. 28, 2014, http://www.measurementlab.net/static/observatory/Measurement_Lab_Interconnection_Study_US.pdf.

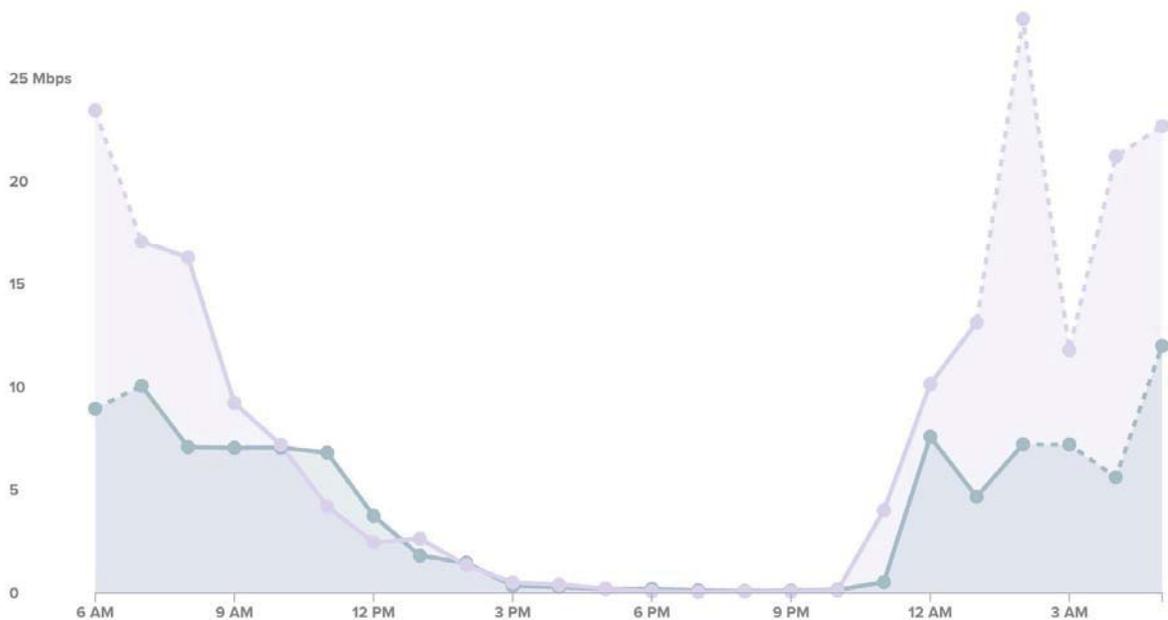
⁴ Measurement Lab Consortium, Comcast, Time Warner Cable, and Verizon data: http://www.measurementlab.net/observatory#tab=explore&metric=download_throughput&metro=NewYork&combos=lga02_comcast,lga02_twc,lga02_verizon&time=01012014-02012014&timeView=hourly&.

abatement.⁵ In particular, since September 2014, GTT, the world's fifth largest transit provider,⁶ has seen material degradation in its connections with AT&T, Comcast, TWC, and Verizon.⁷ At present, these connections are providing Internet users with speeds that are a fraction of what is advertised—in some cases less than .5 Mbps during peak hours:

Download Speed for AT&T, Comcast on GTT in Chicago

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⁵ <http://www.measurementlab.net/observatory>.

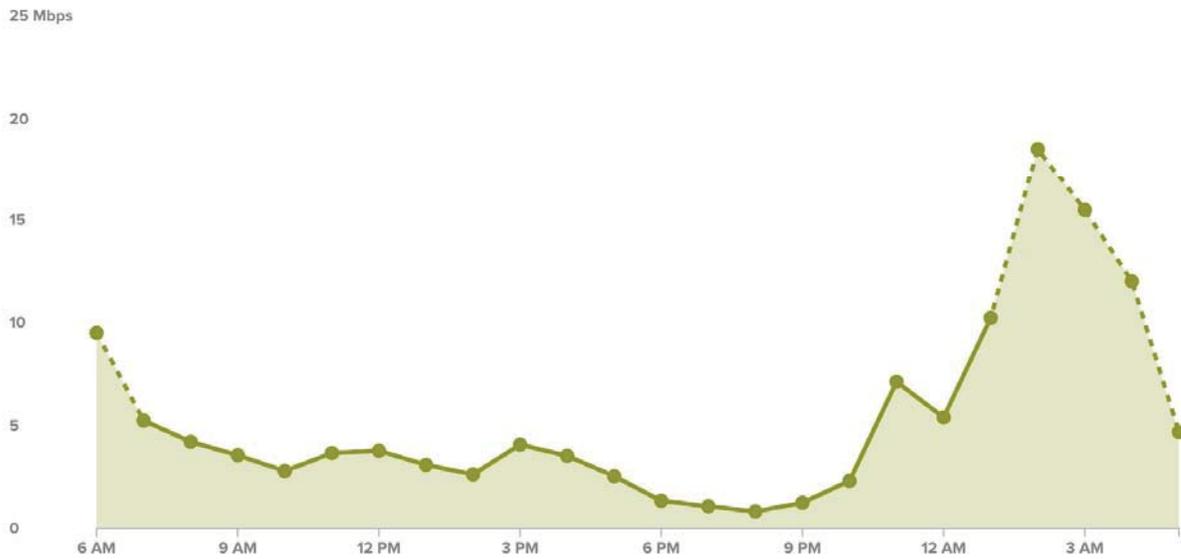
⁶ Earl Zmijewski, "A Baker's Dozen, 2014 Edition," Dyn Research, Feb. 4, 2015, <http://research.dyn.com/2015/02/bakers-dozen-2014-edition/>.

⁷ Measurement Lab Consortium, AT&T and Comcast data: http://www.measurementlab.net/observatory#tab=explore&metric=download_throughput&metro=Chicago&compos=ord04_att,ord04_comcast&time=01012015-02012015&timeView=hourly&; Time Warner Cable data: http://www.measurementlab.net/observatory#tab=explore&metric=download_throughput&metro=SouthernCalifornia&compos=lax03_twc&time=01012015-02012015&timeView=hourly&; Verizon data: http://mlab-observatory.appspot.com/observatory#tab=explore&metric=download_throughput&metro=NewYork&compos=lga04_verizon&time=01012015-02012015&timeView=hourly&.

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As these graphs show, links are saturated throughout peak usage hours. The result is that millions of consumers are not receiving the Internet access speeds and reliability that they paid for when they want it most. Without intervention from the Commission, this poor service will likely continue indefinitely.

This data also confirms the critical nature of interconnection, and its direct impact on the consumer experience. This issue is not just important to companies like Netflix, who have waged high-profile battles over interconnection.⁸ It is important to all Internet companies—and their users. For example, Vimeo’s transactional service, Vimeo on Demand, allows people to stream films that they have purchased on their desktop, mobile, or connected television devices as an alternative to traditional television programming. Poor viewing experiences caused by interconnection congestion may lead consumers to return to the programming offered by their cable company/broadband provider. It is therefore critical that the Commission take action to curb harmful interconnection practices.

The Commission should ask whether consumers are able to achieve the robust broadband performance that is promised to them. When data shows that they are suffering from poor quality of service due to carrier interconnection practices, the FCC should intervene.

In order to identify when consumers are being affected by such practices, the Commission must monitor and measure the health of interconnection links. We are pleased to hear that the Commission has already adopted strong and sensible principles governing measurement.⁹ We encourage the Commission to adopt practices that will make data publicly available for analysis. In particular, we suggest that:

- All data sets should be released to the public in raw, unaggregated form as soon as practicable after the measurements are collected.
- Analytic and statistical methodologies used to aggregate and process data should be open to examination and peer review.
- The research community and interested public participants should have an opportunity to provide input on monitoring proposals.

⁸ See, e.g., Spencer E. Ante and Amy Schatz, “Web-Traffic Spat Over Netflix Highlights New Tensions,” *Wall Street Journal*, Nov. 30, 2010, <http://www.wsj.com/articles/SB10001424052748704679204575646840288688392>.

⁹ Letter from Walter Johnson, Chief, Electromagnetic Compatibility Division, Federal Communications Commission to Marlene Dortch, Secretary, Federal Communications Commission, CG Docket No. 09-158, CC Docket No. 98-170, WC Docket No. 04-36, July 26, 2012, <http://apps.fcc.gov/ecfs/comment/view?id=6017098077>.

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- Measurements should be made based upon interconnection performance to specific transit networks, rather than the performance of specific Internet applications.
- Monitoring infrastructure should be openly instrumented and independently operated (and not under the control of any interested carrier) and within a diversity of transit networks across the United States.

Only through open, robust monitoring and swift enforcement can the Commission ensure that it is protecting an open Internet through these critical entry and exit points.

Respectfully submitted,

/s/ Michael A. Cheah

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