

## **The Record Demonstrates Significant Support for Strong Rules**

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## **The non-discrimination rule should apply to all forms of differential treatment (including zero-rating)**

### **Engine Advocacy:**

They should also not engage in non-technical discriminations, such as excluding some applications from bandwidth caps while subjecting others to them.

Comments of Engine Advocacy, Protecting and Promoting the Open Internet, GN Docket No. 14-28, April 24, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521099354>, page 23.

### **Union Square Ventures, RRE, Lerer Hippeau Ventures, Nyca Partners, Spark Capital, Venrock, Insight Venture Partners and Softbank:**

Mr. Wilson and Mr. Burnham both spoke in opposition to “zero rating” by carriers, that is, allowing some applications to be exempt from data caps while subjecting similar applications to those same data caps (e.g., T-Mobile’s treatment of some streaming music services). Mr. Burnham asked what would happen if electric companies zero-rated some refrigerators and not others. It would, in his words, “skew the market.”

Mr. Prince and Ms. Dixon Thayer expressed concern about “zero-rating,” that is, carriers exempting certain services from their data caps while not exempting other similar services. “

Notice of *Ex Parte* Meeting of Gigi Sohn, Protecting and Promoting the Open Internet, GN Docket No. 14-28, June 27, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521350851>, page 1.

### **MobileWorks:**

We urge the FCC take this opportunity to reclassify ISPs as telecommunications service providers under the Title II of the Communications Act, with appropriate forbearance, and to adopt bright-line rules against unreasonable technical discrimination, paid prioritization and discriminatory exemptions from bandwidth caps, blocking, and access fees.

Comments of MobileWorks, Protecting and Promoting an Open Internet, GN 14-28, August 5, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521750457>, page 6.

### **Public Knowledge, Benton Foundation and Access Sonoma Broadband:**

There is no doubt that price discrimination can benefit consumers and increase broadband availability. But how price discrimination is implemented is just as important as whether it is implemented in the first place. In that regard, moving from speed-based discrimination to data-based discrimination represents a step in an anti-consumer direction.

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Comments of Public Knowledge et al, Protecting and Promoting an Open Internet, GN 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521480282>, page 60.

### **CodeCombat:**

We will note, however, that education companies have specific concerns. For example, Udacity recently struck an innovative deal with AT&T concerning both “nanodegrees” and internships. We think this deal is a positive development for expanding access to jobs skills and potentially to some jobs. We believe, however, that such a deal would be extremely detrimental to innovation and access in the education sector if, as part of the deal, AT&T had the FCC-granted legal right to offer Udacity special access to its networks—terms such as a discriminatory exemption from bandwidth caps or priority for its bandwidth use in times of congestion. The FCC’s proposal would empower AT&T to do just that—on discriminatory terms and on exclusive terms.

Comments of CodeCombat, Protecting and Promoting an Open Internet, GN 14-28, June 23, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521678743>, page 8.

### **Reddit:**

We urge the FCC to classify broadband providers under Title II of the Communications Act and to enact bright-line rules which:...Ban discriminatory exemptions to bandwidth caps

Comments of reddit, Inc., In the Matter of Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521679127>, pages 10-11.

### **Etsy:**

We recommend that the FCC mandate transparency and ban blocking, unreasonable discrimination, paid prioritization, and discriminatory exemptions to bandwidth caps

Comments of Etsy, Inc., Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 8, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521372050>, page 9.

### **Free Press and 26 other Netroots Organizations:**

Commenters have also overwhelmingly rejected the agency's proposal to base an Open Internet rule on Section 706 of the Telecommunications Act. In fact, the D.C. Circuit Court of Appeals made it clear in its January decision that Section 706 does not provide the FCC with the authority to ban unreasonable

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discrimination, access fees, paid prioritization, exclusive deals, or discriminatory exemptions to bandwidth caps.

<http://apps.fcc.gov/ecfs/comment/view?id=6018333609>

### **Data Foundry and Golden Frog:**

If the Commission decides to continue regulating Internet access, it should invoke Title II and reinstate the “no unreasonable discrimination” rule. It should then make clear that discrimination between or among applications, content, services, use, source/destination or devices determined solely by the network provider and independent of user desire is unreasonable discrimination. The rule should be truly use agnostic – except where the user requests differential treatment.

Ex parte of Data Foundry, Inc. and Golden Frog, Protecting and Promoting the Open Internet Proceeding, GN 14-28; November 24, 2014, available at

<http://apps.fcc.gov/ecfs/document/view?id=60000988218>, page 42.

### **Contextly:**

Startups need the certainty that can be offered by a rule against unreasonable discrimination and access fees--against application-specific discrimination in terms of bitrate, latency, or jitter, against discriminatory exemptions to bandwidth caps, and an effective ban against paid priority or other preferences, all of which should apply to fixed and mobile, to deep packet inspection routers and last-mile interconnection.

Comments of Contextly, In the Matter of Protecting and Promoting the Open Internet, GN Docket No. 14-28, and Framework for Broadband Internet Service, GN Docket 10-127, June 3, 2014, available at

<http://apps.fcc.gov/ecfs/document/view?id=7521195149>, page 8.

### **Tumblr:**

Tumblr asks the FCC to reclassify broadband internet access as a “telecommunications service” subject to Title II’s framework, and to adopt bright-line rules prohibiting, on both mobile and fixed networks, access fees and paid prioritization schemes, congestion of interconnection points, discriminatory data cap exemptions, application-based discrimination, and site blocking.

Similarly, if broadband providers are permitted to require payments from app developers in exchange for exemptions from mobile data caps, those same broadband providers will be able to place tremendous pressure on app developers to pay or be punished. Startups that rely on mobile apps (most startups these days) will be forced to negotiate data cap exemptions before launch, because mobile app users will be incentivized only to use apps that are exempted from their data plans. This effectively results in discrimination against apps that cannot afford to pay for the exemption

Comments of Tumblr, Protecting and Promoting the Open Internet, GN Docket No. 14-28, September 9, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521847801>, pages 7, 10.

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### **Electronic Frontier Foundation:**

Internet access providers should never be able to take advantage of their subscriber's relationship to effectively direct those subscribers toward (or away) particular applications, services, or content.

Comments of Electronic Frontier Foundation, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521488017>, Page 16.

### **Union Square Ventures:**

“On April 24, 2014, I met with Commissioner Jessica Rosenworcel and Priscilla Argeris of her office, and Adonis Hoffman and Rebekah Goodheart of Commissioner Clyburn's office to express my strong support for network neutrality and my opposition to permitting paid prioritization, discriminatory exemptions from bandwidth caps, and application-specific technical discrimination.”

Ex Parte Communications of Brad Burnham, Union Square Ventures, Protecting and Promoting the Open Internet, GN Docket No. 14-28, May 6, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521115343>, Page 1.

### **Etsy, Tumblr, VHX, Kickstarter, Foursquare, Meetup, General Assembly, Spotify, Gilt, Warby Parker, Dwolla, CodeAcademy, Upworthy, BuzzFeed, Reddit, Vimeo and Union Square Ventures:**

The participants argued that to have other than a bright line rule against discrimination would require their companies to, in Mr. Pariser's words “negotiate complex deals” with ISPs, which would cost start-ups time and resources that they simply do not have.

Notice of *Ex Parte* Meeting of Gigi Sohn, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 18, 2014, available at <http://apps.fcc.gov/ecfs/comment/view?id=6018184364>, page 2.

### **Kickstarter:**

One of our board members, Fred Wilson, described how venture capital pitches would go, in this nightmare scenario: “Telcos will pick their preferred partners, subsidize the data costs for those apps, and make it much harder for new entrants to compete with the incumbents.”

Comments of Kickstarter, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 10, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521374594>, page 3.

### **ShapeWays:**

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We have already expressed strong support for network neutrality and opposition to paid prioritization, discriminatory exemptions from bandwidth caps, and application-specific technical discrimination.

Comments of ShapeWays, Protecting and Promoting the Open Internet, GN Docket No. 14-28, Aug. 5, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521750466>, page 8.

### **Writer's Guild of America, East:**

The no-blocking and non-discrimination principles are essential to maintaining the Internet as a place of innovation and access, a system that offers the American people a greater variety of options and information than are available off-line, and we encourage the Commission to apply and enforce them.

Comments of Writers Guild of America, East, Protecting and Promoting the Open Internet, GN Docket No. 14-28, March 13, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521091947>, pages 1-2.

### **Writer's Guild of America, West:**

a nondiscrimination principle that gives every business or individual the opportunity to compete for the Internet audience is necessary.

Comments of Writers Guild of America, West, Protecting and Promoting the Open Internet, GN Docket No. 14-28, April 24, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521099430>, page 3.

### **COMPTEL:**

Preferential access would favor those content, application, and other edge providers who can afford to pay for better access to end users while disadvantaging those who cannot afford to pay, including startups and non-profits, and ultimately all end users.

Comments of COMPTEL, Protecting and Promoting an Open Internet, GN 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521480266>, Page 3.

### **Vimeo:**

Indeed, a bright-line rule barring technical and paid discrimination would provide certainty to all market participants.

Reply Comments of Vimeo, Protecting and Promoting the Open Internet, GN Docket No. 14-28, October 24, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=60000975584>, page 15.

## **The non-discrimination rule should also ban discrimination against classes of applications (not just application-specific discrimination)**

### **Engine Advocacy:**

We believe the Commission should forbid technical and commercial discrimination. ISPs should not engage in unreasonable technical discrimination, for pay or not....The non-discrimination rule should ban all forms of application-specific discrimination, while allowing all application-agnostic discrimination

Comments of Engine Advocacy, Protecting and Promoting the Open Internet, GN Docket No. 14-28, April 24, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521099354>, page 23.

### **Kickstarter, Meetup, Tumblr, NY Tech Meetup, and Engine Advocacy:**

We urged the Commission to consider a different path: to ban rather than bless a world of paid fast lanes and unpaid slow lanes; to abandon pursuit of a “commercially reasonable” standard and to impose a rule against “unreasonable discrimination,” that clearly defines which discriminatory conduct is prohibited and bans all application-specific discrimination (i.e. discrimination based on criteria related to the application or class of application);

Notice of *Ex Parte* Meeting of Kickstarter, et al., Protecting and Promoting the Open Internet, GN Docket No. 14-28, May 8, 2014, available at <http://apps.fcc.gov/ecfs/comment/view?id=6017627355>, page 1.

### **Gilt Groupe, Meetup, Kickstarter, Foursquare, Tumblr, Warby Parker, Spotify, BuzzFeed, Etsy and Union Square Ventures:**

To begin, David Pashman expressed many participants’ support for bright-line rules that prohibit ISPs from blocking content or applications, from engaging in content- or application-specific discrimination (i.e. discrimination against applications or classes of applications), and from imposing access fees for termination or preferential treatment.”

Notice of *Ex Parte* Meeting of Marvin Ammori, Protecting and Promoting the Open Internet, GN Docket No. 14-28, August 6, 2014, available at <http://apps.fcc.gov/ecfs/comment/view?id=6018252766>, page 1.

### **Entertainment Software Association:**

Accordingly, if the Commission adopts the proposed “commercially reasonable” standard, or seeks to prohibit practices that constitute unreasonable discrimination under Title II, then the standard should prohibit ISP practices that increase latency to levels that impair consumers’ ability to play online games or use other latency-sensitive applications as intended.

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Comments of the Entertainment Software Association., Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521731696>, page 10.

**Writer's Guild of America, West:**

ISPs must be prohibited from blocking access to legal content, including at Internet peering or transit points. The no blocking rule must also cover more subtle practices that achieve the goal of blocking such as throttling, or degrading access to legal content.

Comments of Writers Guild of America, West, Protecting and Promoting the Open Internet, GN Docket No. 14-28, April 24, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521099430>, page 3.

## **There should be a ban for fees on access to users (without preferential treatment)**

### **Kickstarter, Meetup, Tumblr, NY Tech Meetup, and Engine Advocacy:**

The rules should also ban access fees.

Notice of *Ex Parte* Meeting of Kickstarter, et al., Protecting and Promoting the Open Internet, GN Docket No. 14-28, May 8, 2014, available at <http://apps.fcc.gov/ecfs/comment/view?id=6017627355>, page 1.

### **Open Technology Institute and the Benton Foundation:**

Rather than simply throttling applications based on type or content, there is now a very real and immediate risk that Internet service providers will charge fees for access to their last-mile subscribers. And these access fees – whether in the form of tolls for network upgrades or access or in the form of fees for the prioritized delivery of content to end users – are extremely harmful for consumers and entrepreneurs.

Comments of The Open Technology Institute at the New American Foundation and the Benton Foundation, Protecting and Promoting the Open Internet, Framework for Broadband Internet Service, GN Docket No. 14-28; GN Docket 10-127, July 17, 2015 available at <http://apps.fcc.gov/ecfs/document/view?id=7521706204>, Page 13.

### **COMPTEL:**

Allowing broadband Internet access service providers to assess access charges for the exchange of Internet traffic would appear to be antithetical to the Commission's decision to replace the legacy intercarrier terminating access charge regime with a model akin to that used to determine who bears the cost of exchanging Internet traffic.

Comments of COMPTEL, Protecting and Promoting an Open Internet, GN 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521480266>, Page 11.

### **ShapeWays:**

On behalf of our shop owners and community, Shapeways wants a bright line rule against blocking, application-specific discrimination, and access fees (such as paid prioritization).

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Comments of ShapeWays, Protecting and Promoting the Open Internet, GN Docket No. 14-28, Aug. 5, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521750466>, page 8.

### **Microsoft:**

Broadband providers should not be permitted to use their control over or role in interconnection to circumvent open Internet rules....Preferential transmission arrangements are incompatible with the fundamental principles of an open Internet. Such arrangements would have the effect of pressuring content providers, application developers, service providers, and device manufacturers to enter into contractual arrangements with broadband access providers in order to effectively reach consumers....Preferential transmission arrangements are particularly concerning because broadband access providers can use their terminating monopoly power to pressure edge providers into entering such arrangements and demand increasingly higher rates and greater concessions from edge providers over time. Ultimately, such arrangements create an uneven playing field and increase prices for consumers to receive the same overall level of service they would have received without such arrangements.

Comments of Microsoft, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 18, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521701839>, Page 29.

### **Tumblr:**

Tumblr asks the FCC to reclassify broadband internet access as a “telecommunications service” subject to Title II’s framework, and to adopt bright-line rules prohibiting, on both mobile and fixed networks, access fees and paid prioritization schemes, congestion of interconnection points, discriminatory data cap exemptions, application-based discrimination, and site blocking.

Comments of Tumblr, Protecting and Promoting the Open Internet, GN Docket No. 14-28, September 9, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521847801>, page 10.

### **Vimeo:**

Because video hosting and sharing is a high-bandwidth business, Vimeo views terminating access fees as a significant threat to its current and future growth....the Commission should take necessary steps to prevent Comcast and other large ISPs from degrading their interconnection points in order to extract terminating access fees.

Comments of Vimeo, Protecting and Promoting the Open Internet, GN Docket No. 14-28, October 24, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=60000975584>, pages 1-2.

### **Netflix:**

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Open Internet protections that guard only against pay-for-play and pay-for-priority on the last mile can be easily circumvented by moving the discrimination upstream. As such, for any open Internet protection to be complete, it should address the points of interconnection to terminating ISPs' networks.

Comments of Netflix, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521491186>, Page 10.

### **Internet Association:**

interconnection should not be used as a choke point to artificially slow traffic or extract unreasonable tolls from over-the-top providers. If this were to occur, interconnection fees could create the same consumer harms as paid prioritization in the last mile.

Comments of the Internet Association, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 14, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521379013>, Page 22.

### **Writers Guild of America, West:**

If rules only address intra-network discrimination, ISPs can still impose inter-network discrimination at the bottlenecks into their networks. The Commission should prohibit ISPs from using their terminating access monopoly to extract payments from content providers or their delivery networks for Internet traffic that has already been paid for by ISP subscribers.

Comments of Writers Guild of America, West, Protecting and Promoting the Open Internet, GN Docket No. 14-28, April 24, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521099430>, page 5.

### **Reddit:**

Finally, it has loopholes permitting access fees and discrimination through interconnection and mobile access. The Chairman's proposal would force owners of websites and applications to negotiate individual deals with cable and phone companies across the U.S.... That's unfair to the users and the entrepreneurs who have made the Internet the place it is today.

Comments of reddit, Inc., In the Matter of Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521679127>, pages 4-5.

### **Imgur:**

Imgur can only operate with confidence in the presence of a bright-line rule. We would support rules that clearly prohibit blocking, application-specific discrimination, and access fees.

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Reply Comments of Imgur, Protecting and Promoting the Open Internet, GN Docket No. 14-28, Aug. 12, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521758180>, page 7.

### **Electronic Frontier Foundation:**

Internet access providers should not be permitted to charge special fees for the right to reach that provider's Internet service customers.

Comments of Electronic Frontier Foundation, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521488017>, Page 16.

### **Engine Advocacy:**

We believe that the Commission should forbid access fees.

Comments of Engine Advocacy, Protecting and Promoting the Open Internet, GN Docket No. 14-28, April 24, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521099354>, page 24.

### **Shapeways:**

We agree with the comments of the startup community, investors, nonprofits, and millions of Americans calling for rules against unreasonable discrimination and access fees under Title II.

Comments by Shapeways, Protecting and Promoting the Open Internet, GN 14-28, August 28, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521750466>, page 2.

### **TerrAvion:**

TerrAvion fully supports Y Combinator's position that the Internet ecosystem needs bright-line rules against application-specific discrimination and access fees (including paid prioritization)

Comments of TerrAvion, Protecting and Promoting an Open Internet, GN 14-28, September 3, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521827328>, page 2.

### **General Assembly:**

General Assembly believes we need strong network neutrality rules that prohibit blocking, discrimination, and access fees.

Comments of General Assembly, In the Matter of Protecting and Promoting the Open Internet, GN Docket No. 14-28, & Framework for Broadband Internet Service, GN Docket 10-127, July 1, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521678747>, page 7.

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## **The ban on access fees should apply to all forms of preferential treatment**

### **Gilt Groupe, Meetup, Kickstarter, Foursquare, Tumblr, Warby Parker, Spotify, BuzzFeed, Etsy and Union Square Ventures:**

David Pashman expressed many participants' support for bright-line rules that prohibit ISPs...from imposing access fees for termination or preferential treatment.

Notice of *Ex Parte* Meeting of Marvin Ammori, Protecting and Promoting the Open Internet, GN Docket No. 14-28, August 6, 2014, available at <http://apps.fcc.gov/ecfs/comment/view?id=6018252766>, page 1.

### **Etsy, Tumblr, VHX, Kickstarter, Foursquare, Meetup, General Assembly, Spotify, Gilt, Warby Parker, Dwolla, CodeAcademy, Upworthy, BuzzFeed, Reddit, Vimeo and Union Square Ventures:**

To that end, many participants called for the adoption of “bright line rules” that would ban access fees (including fees merely for access to users and for enhanced or preferred treatment for particular applications such as paid prioritization or zero-rating)

Notice of *Ex Parte* Meeting of Gigi Sohn, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 18, 2014, available at <http://apps.fcc.gov/ecfs/comment/view?id=6018184364>, page 1.

### **Level 3, Netflix, Amazon, Cogent and COMPTTEL:**

Mr. Schaeffer similarly discussed the importance of strong open Internet rules, describing how some ISPs have created slow lanes at the interconnection point. He asserted that the Commission should use its full Title II authority to ensure that consumers have access to the lawful Internet content they seek without discrimination or additional access charges being imposed by the ISPs on transit or edge providers.

Ex Parte of Level 3 et al., Protecting and Promoting the Open Internet, GN Docket No. 14-28, Nov. 12, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=60000982192>, page 2

### **Free Press:**

The Commission could then move in a rulemaking to define access charges, paid prioritization or other types of discrimination as per se unreasonable. Making such arrangements unlawful and presumptively prohibiting them is just what the Commission should do, and what it had in mind in the original 2010 Open Internet Order.

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Comments of Free Press, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 17, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521701227>, pages 47-8.

### **Tumblr:**

Tumblr asks the FCC to reclassify broadband internet access as a “telecommunications service” subject to Title II’s framework, and to adopt bright-line rules prohibiting, on both mobile and fixed networks, access fees and paid prioritization schemes, congestion of interconnection points, discriminatory data cap exemptions, application-based discrimination, and site blocking.

Comments of Tumblr, Protecting and Promoting the Open Internet, GN Docket No. 14-28, September 9, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521847801>, page 10.

### **Open Technology Institute at the New America Foundation and Benton Foundation:**

Ensuring open mobile platforms and markets that are not suppressed or distorted by carrier incentives to ration capacity, extract rents and favor affiliated content, applications and services will be critical for continued innovation, economic growth and consumer welfare.

Comments of The Open Technology Institute at the New American Foundation and the Benton Foundation, Protecting and Promoting the Open Internet, Framework for Broadband Internet Service, GN Docket No. 14-28; GN Docket 10-127, July 17, 2015 available at <http://apps.fcc.gov/ecfs/document/view?id=7521706204>, page 32.

### **Future of Music Coalition:**

The allowance of priority agreements would give the best-situated edge providers the ability to receive preferential access to consumers. Such agreements would not always come in the form of standard “paid prioritization,” in which the edge provider makes a direct monetary payment to the ISP in exchange for increased bandwidth. Other priority arrangements could include the exclusion from data caps

Comments of the Future of Music Coalition, Protecting and Promoting the Open Internet, Framework for Broadband Internet Service, GN Docket No. 14-28; GN Docket 10-127, July 15, 2015, available at <http://apps.fcc.gov/ecfs/document/view?id=7521379768>, page 10.

### **MobileWorks:**

We urge the FCC take this opportunity to reclassify ISPs as telecommunications service providers under the Title II of the Communications Act, with appropriate forbearance, and to adopt bright-line rules against unreasonable technical discrimination, paid prioritization and discriminatory exemptions from bandwidth caps, blocking, and access fees.

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Comments of MobileWorks, Protecting and Promoting an Open Internet, GN 14-28, August 5, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521750457>, page 6.

### **Writer's Guild of America, West:**

Permitting powerful gatekeepers to control and prioritize what flows through this single pipe, and at what rate and quality, would have an enormous effect on what Americans watch and read and learn and write and communicate. Equal and open access is essential and must be protected.

Comments of Writers Guild of America, East, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 9, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521373607>, page 4.

### **Contextly:**

Startups need the certainty that can be offered by a rule against unreasonable discrimination and access fees--against application-specific discrimination in terms of bitrate, latency, or jitter, against discriminatory exemptions to bandwidth caps, and an effective ban against paid priority or other preferences, all of which should apply to fixed and mobile, to deep packet inspection routers and last-mile interconnection.

Comments of Contextly, In the Matter of Protecting and Promoting the Open Internet, GN Docket No. 14-28, and Framework for Broadband Internet Service, GN Docket 10-127, June 3, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521195149>, page 8.

### **COMPTEL:**

I asserted that for the Commission to provide for an effective Open Internet policy, it must address the ability of broadband Internet access service providers to block, degrade, prioritize and/or extract access fees at the interconnection point, not just the last mile.

Ex Parte of COMPTEL, Protecting and Promoting an Open Internet, GN 14-28, January 26, 2015, available at <http://apps.fcc.gov/ecfs/document/view?id=60001016496>, Page 1.

## **Network management should be as application-agnostic as possible**

### **Ad Hoc Telecommunications Users Committee:**

Discriminatory treatment of traffic by an ISP can only be reasonable if it applies uniformly to similar types of traffic, regardless of the content or content provider's identity, and even then must be limited to technical requirements for network management

Comments of the Ad Hoc Telecommunications Users Committee, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 18, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521707093>, page 14.

### **Public Knowledge, Benton Foundation and Access Sonoma Broadband:**

to effectively prevent ISPs from creating fast lanes and slow lanes in creative and unforeseen ways, the Commission should assume network management tools that implicate open internet rules are unreasonable unless proven reasonable, and place the burden of demonstrating that such tools are reasonable on network operators.

Comments of Public Knowledge et al, Protecting and Promoting an Open Internet, GN Docket No. 14-28, Sept. 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7522662487>, page 1.

### **Center for Democracy and Technology:**

If a service provider seeks a waiver on grounds related to reasonable network management, such as mitigating congestion, it should demonstrate that the same network management objective cannot be achieved by alternative engineering practices that are agnostic to source, content, applications, or services, and are otherwise consistent with open Internet rules.

Comments of Center for Democracy and Technology, Protecting and Promoting an Open Internet, GN Docket No. 14-28, Feb. 4, 2015, available at <http://apps.fcc.gov/ecfs/document/view?id=60001026135>, page 5.

### **Open Technology Institute at the New America Foundation:**

Even when faced with severe congestion, the study details how LTE networks have the capability to dynamically prioritize delay-sensitive applications in a completely nondiscriminatory fashion that does not favor carrier-affiliated content or services. Therefore, if the FCC determines it is "reasonable network management" to prioritize delay-sensitive applications at times of severe congestion, the study shows that the Commission can also confidently determine it is unreasonable for LTE network providers to do so in a manner that does not "treat like applications alike."

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Comments of the Open Technology Institute, GN Docket No 14- 28, Nov. 20, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=60000987440>, page 3.

### **Independent Film & Television Alliance:**

The Commission must . . . be extremely careful that reasonable network management cannot be used to compromise the principles of transparency, no-blocking, and non-discrimination.

Comments of the Independent Film & Television Alliance, GN Docket No 14- 28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521486921>, pages 8–9.

### **Voices for Internet Freedom et al. (54 organizations):**

While we decline to address it here, it is possible that what constitutes reasonable network management may differ slightly between fixed and mobile networks. However, it is important that the definition of reasonable network management not be interpreted so expansively that it becomes an exception that swallows the rule.

Comments of Voices for Internet Freedom et al., GN Docket No 14- 28, July 18, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521700026>, pages 21.

### **Internet Association:**

The reasonable network management provision should be narrowly tailored to permit deviations from the non-discrimination and no-blocking rules only if a network management problem cannot be addressed in “application agnostic” ways.

Comments of the Internet Association, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 14, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521379013>, page 18.

### **Engine Advocacy:**

While ISPs should be allowed to engage in reasonable network management, such management should be application-agnostic. The same principles that guide the non-discrimination rule should guide the Commission’s evaluation of network management practices.

Comments of Engine Advocacy, Protecting and Promoting the Open Internet, GN Docket No. 14-28, April 24, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521099354>, pages 23.

## **Mozilla:**

The Commission can take additional affirmative steps to indicate what it believes to fall within the scope of reasonable network management. For example, network management that generally reflects industry standards and best practices could be declared reasonable. The Commission could separate application-specific from application-agnostic discrimination.

Comments of Mozilla, Protecting and Promoting the Open Internet, GN Docket No. 14-28, Sept. 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7522646922>, page 22.

## **Common Cause:**

Reasonable network management, when applied agnostically to applications, can adapt to changes in technology and internet culture, and puts control back in the hands of end users - determined by their own use and subscription.

Comments of Common Cause, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521700158>, page 9.

## **Electronic Frontier Foundation:**

the FCC must regulate narrowly, making sure that its rules promote user choice, permissionless innovation and an application blind network.

Comments of Electronic Frontier Foundation, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521488017>, page 2.

## **Ban last-mile ISPs from charging their interconnection partners a fee for interconnection**

### **Writer's Guild of America, West:**

A nondiscrimination rule should also provide a process to address and limit the ways ISPs intentionally degrade Internet service, including excessively oversubscribing residential service and allowing interconnection points to become congested. Both of these schemes create artificial congestion that can then be exploited by ISPs as an excuse to extract fees from content providers, as in the recent Comcast-Netflix peering deal, or lead to inferior performance for subscribers during peak Internet use periods.

Comments of Writers Guild of America, West, Protecting and Promoting the Open Internet, GN Docket No. 14-28, April 24, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521099430>, page 3.

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### **Union Square Ventures and over 100 venture capital and angel investors:**

We need simple, strong, enforceable rules against discrimination and access fees, not merely against blocking.

Ex Parte of Union Square Ventures et al., Protecting and Promoting the Open Internet, GN Docket No. 14-28, May 9, 2014, available at <http://apps.fcc.gov/ecfs/comment/view?id=6017634129>, page 2.

### **Level 3, Netflix, Amazon, Cogent and COMPTTEL:**

Mr. Schaeffer similarly discussed the importance of strong open Internet rules, describing how some ISPs have created slow lanes at the interconnection point. He asserted that the Commission should use its full Title II authority to ensure that consumers have access to the lawful Internet content they seek without discrimination or additional access charges being imposed by the ISPs on transit or edge providers.

Ex Parte of Level 3 et al., Protecting and Promoting the Open Internet, GN Docket No. 14-28, Nov. 12, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=60000982192>, page 2.

### **Public Knowledge, Benton Foundation and Access Sonoma Broadband:**

Regardless of whether the Commission addresses peering and interconnection in this proceeding or another, ultimately both standard open internet rules and interconnection issues are relevant to the issue of open internet protections. Therefore, the Commission has an obligation to act strongly in this area if such action proves to be warranted. While gathering data is an important first step for action, the Commission must be prepared to take decisive action based on the information it gathers.

Comments of Public Knowledge et al, Protecting and Promoting an Open Internet, GN 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521480282>, page 113.

### **Free Press:**

Chairman Wheeler and others have suggested quite correctly on numerous occasions that users deserve access to the Internet – the whole Internet – to obtain the content they desire at the speeds they pay for. When a broadband provider impedes its users' ability to access content at the speeds those users purchase, that constitutes unjust interference and patently unreasonable discrimination against those users. So when Comcast charges a content provider or transit provider a terminating access charge, and absent payment of such charge by the so-called sender the end-user's experience is degraded, this is an unreasonable practice which the Commission can preclude with bright-line prohibitions.

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Ex Parte of Free Press, Protecting and Promoting the Open Internet, GN Docket No. 14-28, Dec. 4, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=60000989717>, page 2.

### **Open Technology Institute at New America Foundation:**

the Commission should ban fees for access to last-mile networks.

Ex Parte of Open Technology Institute, Protecting and Promoting the Open Internet, GN Docket No. 14-28, Dec. 22, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=60001010771>, page 2.

### **Kickstarter, Meetup, Tumblr, NY Tech Meetup, and Engine Advocacy:**

The rules should also ban access fees.

Notice of Ex Parte Meeting of Kickstarter, et al., Protecting and Promoting the Open Internet, GN Docket No. 14-28, May 8, 2014, available at <http://apps.fcc.gov/ecfs/comment/view?id=6017627355>, page 1.

### **Ad Hoc Telecommunications Users Committee:**

we observed that the current status quo for Internet service is that every Internet access customer pays only for its own connection and is not forced to make additional payments to the ISPs of other subscribers when it terminates traffic to them. We noted our support for Commission rules that would preserve this “bill-and-keep” model and prohibit ISPs from exploiting their terminating access monopolies by charging non-subscribers for access to their subscribers.

Ex Parte of the Ad Hoc Telecommunications Users Committee, Protecting and Promoting the Open Internet, GN Docket No. 14-28, Nov. 7, 2014, available at <http://apps.fcc.gov/ecfs/comment/view?id=60000976948>, Page 2.

**American Association of Community Colleges, the American Association of State Colleges and Universities (AASCU), the American Council on Education (ACE), American Library Association (ALA), the Association of American Universities (AAU), the Association of College & Research Libraries (ACRL), the Association of Public and Land-grant Universities (APLU), the Association of Research Libraries (ARL), the Chief Officers of State Library Agencies (COSLA), the Council of Independent Colleges (CIC), EDUCAUSE and the Modern Language Association (MLA):**

If content and other edge providers are required to pay extra fees to guarantee service performance, these costs will be passed on to libraries and higher education, putting even more strain on their restricted budgets.

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Reply Comments of the American Association of Community Colleges et al., Protecting and Promoting the Open Internet, GN Docket No. 14-28, Sept. 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7522698855>, Page 7.

### **Electronic Frontier Foundation:**

As a baseline, Internet service providers should not be permitted to charge special fees for the right to reach that provider's Internet service customers.

Reply Comments of the Electronic Frontier Foundation, Protecting and Promoting the Open Internet, GN Docket No. 14-28, Sept. 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7522680426>, Page 14.

### **Netflix:**

At the meeting, Netflix discussed the comments it filed in the above-referenced docket. Specifically, it discussed the part of the filing that states that the Open Internet rules should prohibit ISPs from charging access fees to terminate traffic.

Ex Parte of Netflix, Protecting and Promoting the Open Internet, GN Docket No. 14-28, Aug. 1, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521748026>, Page 1.

### **Etsy:**

We believe the rule should apply to both fixed and mobile, and should govern interconnection to the last-mile ISPs with terminating monopolies primarily to ensure that ISPs do not end run around these rules through interconnection abuse.

Comments of Etsy, Inc., Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 8, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521372050>, page 9.

### **Techdirt.com:**

The interconnection fight is merely the other side of the same coin, and pretending that it is unrelated will likely only lead to a solution that is ineffective in both the short and long terms in protecting the free and open internet.

When broadband access providers are allowed to sell consumers a promise of being able to access content on the internet, but then allow their interconnection nodes to clog, rather than doing basic maintenance to make sure they can deliver the traffic requested by their own paying customers, the broadband access providers are playing a dangerous game. They are underserving both sides of the market, in an effort to get both to pay more. It is a move the broadband access providers can only make thanks to their market dominance in the space, and it is a practice that the FCC should be focused on preventing, as it clearly goes against the stated principles of a free and open internet.

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Comment of Floor64/Techdirt.com, In the Matter of Protecting and Promoting the Open Internet, GN Docket No. 14-28, and Framework for Broadband Internet Service, GN Docket No. 10-127, July 14, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521480545>, page 6.

### **Comptel, Level 3, Cogent, and Netflix:**

broadband Internet access service providers can exercise (and have exercised) this bottleneck control at the point where Internet traffic is handed over to the provider. Accordingly, the Commission must ensure that its Open Internet policy cannot be thwarted at the interconnection point where traffic must be handed to the broadband Internet access service provider for delivery to the customer.

Notice of Ex Parte of COMPTTEL, Level 3, Cogent, and Netflix -- Protecting and Promoting the Open Internet, GN Docket No. 14-28, January 13, 2015, available at <http://apps.fcc.gov/ecfs/document/view?id=60001013288>, page 1.

## **The same rules should apply to mobile and fixed**

### **Gilt Groupe, Meetup, Kickstarter, Foursquare, Tumblr, Warby Parker, Spotify, BuzzFeed, Etsy and Union Square Ventures:**

He also expressed their support for applying such rules to mobile as well as fixed connections

Notice of *Ex Parte* Meeting of Marvin Ammori, Protecting and Promoting the Open Internet, GN Docket No. 14-28, August 6, 2014, available at <http://apps.fcc.gov/ecfs/comment/view?id=6018252766>, page 1.

### **Union Square Ventures, RRE, Lerer Hippeau Ventures, Nyca Partners, Spark Capital, Venrock, Insight Venture Partners and Softbank:**

the same open internet rules should apply to mobile and fixed internet access, since there is little differentiation between the two services.

Notice of *Ex Parte* Meeting of Gigi Sohn, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 16, 2014, available at <http://apps.fcc.gov/ecfs/comment/view?id=6018138498>, page 2.

### **National Cable and Telecommunications Association:**

the Commission should seek to harmonize rather than maintain unwarranted distinctions in any rules it adopts for fixed and mobile broadband providers, particularly now that mobile broadband services are maturing into increasingly viable alternatives to fixed broadband services.

Comments of National Cable and Telecommunications Association, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521479748>, page 56.

### **Comcast:**

The Commission should carefully consider arguments as to whether the current technological environment continues to justify the differential treatment accorded to fixed and mobile broadband services, especially in light of the fact that the rules will be in place over the long run, and should be forward-looking and flexible enough to fit the broadband marketplace as it continues to evolve.

Comments of Comcast, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521479245>, pages 40-41.

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### **Time Warner Cable:**

The Commission should not adopt different rules for mobile and fixed broadband providers, but should instead hold all facilities-based providers to the same standards.

Comments of Time Warner Cable, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521480407>, page 27.

### **Frontier Communications:**

Any Open Internet rules should be applied equally to all providers of Internet service, regardless of the technology used to deliver that service. Consumers expect the same experience online, whether they are accessing the Internet through a fixed or mobile connection.

Comments of Frontier Communications, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521707131>, page 9.

### **Writers Guild of America, West:**

The rules must also apply to both wireline and wireless Internet access services: There should not be a second class of Internet access, where consumers are not guaranteed the right to the lawful content, services and applications of their choice.

Comments of Writers Guild of America, West, Protecting and Promoting the Open Internet, GN Docket No. 14-28, April 24, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521099430>, page 6.

### **Writers Guild of America, East:**

There is no theoretically sound reason to distinguish between wired and wireless digital distribution in the net neutrality analysis.

Comments of Writers Guild of America, East, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 9, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521373607>, page 5.

### **Reddit:**

We urge the FCC to classify broadband providers under Title II of the Communications Act and to enact bright-line rules which: ...Apply both to fixed and mobile access pipes to the Internet

Comments of reddit, Inc., In the Matter of Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521679127>, pages 10-11.

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### **Future of Music Coalition:**

in the interest of promoting net neutrality regardless of how or where users connect, it is our recommendation that the Commission eliminate the discrepancy between fixed-line and mobile broadband regulation, and shift both to reclassification under Title II so as to preserve accessibility for current and future users.

Comments of the Future of Music Coalition, Protecting and Promoting the Open Internet, Framework for Broadband Internet Service, GN Docket No. 14-28; GN Docket 10-127, July 15, 2015, available at <http://apps.fcc.gov/ecfs/document/view?id=7521379768>, page 13.

### **Alarm Industry Communications Committee:**

AICC also supports the application of these rules to wireless mobile service providers.

Comments of Alarm Industry Communications Committee, In the Matter of Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521679067>, page 1.

### **Vimeo:**

we do not believe that the Commission should distinguish between mobile and fixed broadband services for the purpose of adopting rules concerning transparency, blocking, technical discrimination, or access fees.

Comments of Vimeo, In the Matter of Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521394546>, page 17.

### **Opera Software:**

We urge the FCC to classify broadband providers under Title II of the Communications Act, and to prohibit technical discrimination and paid prioritization with *per se* rules which apply to fixed and mobile connections.

Comments of Opera Software ASA, In the Matter of Protecting and Promoting the Open Internet, GN Docket No. 14-28 and Framework for Broadband Internet Service, GN Docket 10-127, July 10, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521678785>, page 5.

### **Electronic Frontier Foundation:**

Mobile device owners should enjoy the same levels of control and choice for networked applications on their mobile devices as they do on their laptops and desktops. Service providers should not block

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websites, shape traffic, or discriminate against applications in any way, regardless of provider, type or function of the application.

Comments of Electronic Frontier Foundation, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521488017>, page 24.

### **Public Knowledge, Benton Foundation and Access Sonoma Broadband:**

The Commission's 2010 "developing marketplace" rationale for incremental monitoring of the [mobile] marketplace no longer applies in 2014. In fact, the realities of today's marketplace underscores the need to provide the same protections for users of wireless internet as are applied to wireline.

Comments of Public Knowledge, Benton Foundation and Access Sonoma Broadband, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521480282>, page 25.

### **Open Technology Institute at the New America Foundation:**

The same arguments in favor of technologically neutral rules that existed in 2010 continue to exist today, and Internet users would benefit from parity in Open Internet protections. As we noted previously, "[w]hile the details of what constitutes reasonable network management may differ, case-by-case, depending on the technology platform used to distribute Internet access services, the larger open Internet framework should not."

Comments of the Open Technology Institute at the New America Foundation, Protecting and Promoting the Open Internet, GN Docket No. 14-28, March 23, 2014 available at <http://apps.fcc.gov/ecfs/document/view?id=7521094883>, page 10.

### **American Library Association, Association of Research Libraries and EDUCAUSE:**

Treating the two technologies under different principles skews the marketplace and discriminates in favor of one technology over another. Both modes of Internet access should be regulated under the same principles; to the extent that there are technological differences between fixed and mobile networks, these differences can be addressed under "reasonable network management

Comments of the American Library Association, Association of Research Libraries and EDUCAUSE, Protecting and Promoting the Open Internet, GN Docket No. 14-28, March 23, 2014 available at <http://apps.fcc.gov/ecfs/document/view?id=60001018017>, page 3.

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### **Center for Democracy and Technology:**

The Commission's proposed rules could also be improved by extending them fully to mobile Internet access service. The allowance for reasonable network management provides ample flexibility for carriers to address any network management challenges that are specific to mobile wireless networks, so no broad exemption is warranted.”

Comments of The Center for Democracy and Technology, Protecting and Promoting the Open Internet, GN Docket No. 14-28, September 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7522706722>, page 7.

### **Internet Association:**

The rules should apply regardless of whether a consumer accesses the Internet from a fixed wireline or a mobile wireless access provider. Applying uniform rules across platforms promotes predictability, confidence, and certainty for all stakeholders.

Comments of the Internet Association, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 14, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521379013>, page 2.

### **Microsoft:**

If the Commission wants to preserve an open Internet—now and into the future—there is no question that mobile and fixed broadband access services must be subject to the same legal framework, while accommodating technical differences between these networks through a flexible reasonable network management standard.

Comments of Microsoft, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 18, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521701839>, page 7.

### **Engine Advocacy:**

[T]he FCC should extend the rules to mobile broadband.

Comments of Engine Advocacy, Protecting and Promoting the Open Internet, GN Docket No. 14-28, April 24, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521099354>, page 25.

### **Consumers Union:**

CU believes that the Commission should revisit the decision and apply net neutrality protections to wireless in light of the increased dependence of these technologies and wireless carriers' demonstrated interest in restricting and controlling access to certain applications and services"

Comments of Consumers Union, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521479540>, page 11.

### **Contextly:**

Startups need the certainty that can be offered by a rule against unreasonable discrimination and access fees--against application-specific discrimination in terms of bitrate, latency, or jitter, against discriminatory exemptions to bandwidth caps, and an effective ban against paid priority or other preferences, all of which should apply to fixed and mobile, to deep packet inspection routers and last-mile interconnection.

Comments of Contextly, In the Matter of Protecting and Promoting the Open Internet, GN Docket No. 14-28, and Framework for Broadband Internet Service, GN Docket 10-127, June 3, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521195149>, page 8.

### **MobileWorks:**

We urge the FCC to prohibit technical discrimination and paid prioritization, on both fixed and mobile connections, and to reclassify ISPs as telecommunications service providers subject to Title II of the Communications Act

Comments of MobileWorks, Protecting and Promoting an Open Internet, GN 14-28, August 5, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521750457>, page 2.

### **Kickstarter, Meetup, Tumblr, NY Tech Meetup and Engine Advocacy:**

We understand mobile was treated differently under the 2010 order. Whether or not that was a mistaken decision, mobile usage has increased dramatically in the past four years and continues to increase. Mobile is core to our future growth. Exempting mobile will harm innovation and entrepreneurship. It does not reflect sound policy.

Notice of *Ex Parte* Meeting of Kickstarter, et al., Protecting and Promoting the Open Internet, GN Docket No. 14-28, May 8, 2014, available at <http://apps.fcc.gov/ecfs/comment/view?id=6017627355>, page 5.

### **Twilio:**

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Twilio submits further that the Commission should extend the nondiscrimination requirement – and the related obligation to carry content to the destination network – across all communications modes, mobile as well as fixed.

Comments of Twilio, Inc., Protecting and Promoting the Open Internet, GN 14-28, July 18, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521749752>, page 4.

### **Tumblr:**

Tumblr asks the FCC to reclassify broadband internet access as a “telecommunications service” subject to Title II’s framework, and to adopt bright-line rules prohibiting, on both mobile and fixed networks, access fees and paid prioritization schemes, congestion of interconnection points, discriminatory data cap exemptions, application-based discrimination, and site blocking.

Comments of Tumblr, Protecting and Promoting the Open Internet, GN Docket No. 14-28, September 9, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521847801>, pages 7.

### **Mozilla:**

We discussed Mozilla’s position that the Commission should apply the same rules to mobile services

Notice of Ex Parte Meeting of Mozilla, Protecting and Promoting the Open Internet, GN Docket No. 14-28, September 22, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7522902837>, page 1.

### **Distinc.tt:**

We urge the FCC to classify broadband providers under Title II of the Communications Act, and to impose bright-line rules against blocking, technical discrimination, and paid prioritization, applicable to both fixed and mobile connections.

Comments of Distinc.tt, Protecting and Promoting and Open Internet, GN 14-28, August 5, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521750451>, page 9.

### **Badger Maps:**

We need bright-line rules that prohibit blocking, technical discrimination, paid prioritization, and access fees, applied to fixed and mobile connections.

Comments of Badger Maps, Inc., Protecting and Promoting the Open Internet, GN 14-28, August 5, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521750452>, page 4.

**Etsy:**

We believe the rule should apply to both fixed and mobile

Comments of Etsy, Inc., Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 8, 2014, available at <http://apps.fcc.gov/ecfs/document/view?id=7521372050>, page 9.

**Linear Air:**

I urge the FCC to classify broadband providers under Title II of the Communications Act and to enact bright-line rules which prohibit blocking, technical discrimination, and paid prioritization, applicable to fixed and mobile connections.

Comments of Linear Air, Protecting and Promoting the Open Internet, GN 14-28, available at <http://apps.fcc.gov/ecfs/document/view?id=7521750455>, page 2.