

## **Entities Calling for Bright Line Rules**

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## **Engine Advocacy**

Without bright-line rules prohibiting paid prioritization arrangements, ISPs will have strong incentives to create artificially slow speeds for non-priority broadband service in order to drive traffic to their fast lane offerings, and both startups and their funders will be less inclined to enter the market for fear of being priced out by ISP demands for priority access.

Reply Comments of Engine Advocacy, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 18, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7522710476>.

## **Microsoft**

In short, a clear no blocking rule—rather than some vague, loosely defined standard for measuring a prescribed “minimum level of service”—is critical to maintaining a vibrant and open Internet.

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

## **Meetup**

It is simply unrealistic to think that a resource-constrained company such as Meetup would be able to avail itself of a vague and amorphous ‘commercial reasonableness’ standard that requires extensive and expensive adversarial proceedings.

Comments of Meetup, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 14, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521382127>.

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

Mr. Pakman argued for “bright line rules” that would ban paid prioritization...Mr. Robinson said that a 3 case-by-case approach, while appearing “Solomonic,” favors those who can afford to litigate, namely deep-pocketed ISPs with armies of lawyers and lobbyists.

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

## **Y Combinator**

No startup has the funds and lawyers and economists to take on billion-dollar ISPs in an FCC action based on the vague legal standards in the proposal. Indeed, the startup ecosystem needs a bright-line, per se rule against discrimination.

Comments of Y Combinator, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 14, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521383177>.

## **Reddit**

We have no lawyers on staff, and we devote our resources solely to meeting the needs of our 100 million visitors. We do not have the resources to engage ISPs in a legal fight, with only a vague standard as our weapon, without any firm ground on which to stand. We need clear, bright-line rules.

Comments of Reddit, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 15, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521679127>.

## **Embedly**

On behalf of Embedly, I urge you to create a bright line rule against blocking, application- specific discrimination, and access fees (such as paid prioritization); which would require Title II of the Communications Act.

Reply Comments of Embedly, Protecting and Promoting the Open Internet, GN Docket No. 14-28, Sept. 15, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7522755262>.

## **Internet Association**

While the Commission has sufficient authority to prevent paid prioritization, the use of Section 706, by itself, provides certain challenges in trying to establish a readily enforceable, bright-line rule that ensures consumers are adequately protected.

Reply Comments of the Internet Association, Protecting and Promoting the Open Internet, GN Docket No. 14-28, Sept. 10, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521868266>.

## **Vimeo**

Indeed, a bright-line rule barring technical and paid discrimination would provide certainty to all market participants. In contrast, the Commission's proposed rules would create much uncertainty as to what practices would be considered "commercially reasonable." As the carriers agree, innovation and investment are more likely to flourish in an environment where the rules are certain and not subject to endless litigation.

Reply Comments of Vimeo, Protecting and Promoting the Open Internet, GN Docket No. 14-28, Sept. 15, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521883107>.

## **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, <http://apps.fcc.gov/ecfs/document/view?id=7521750466>.

## **TerrAvion**

We don't have an army of telecommunications lawyers, like big ISPs. In fact, we have not a single lawyer on our staff, and a tiny legal budget. If we were going to sue an ISP, we would need to have a rock-solid case. But we can't build a case like that on an extremely vague standard of 'commercial reasonableness.' Instead, we need bright-line rules against blocking, technical discrimination, and paid prioritization.

Reply Comments of TerrAvion, Protecting and Promoting an Open Internet, GN Docket No. 14-28, Sept. 3, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521827328>.

## **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 Docket No. 14-28, August 5, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521750451>.

## **Poll Everywhere**

We urge the FCC to classify broadband providers under Title II of the Communications Act, and to impose bright-line rules which prohibit blocking, technical discrimination, and paid prioritization.

Reply Comments of Poll Everywhere, Protecting and Promoting and Open Internet, GN Docket No. 14-28, August 5, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521750459>.

## **Sidecar**

Startups already face a thicket of regulatory, tax and labor issues, among others. Negotiating with every ISP or suing ISPs under ambiguous standards is an additional unnecessary cost that only would further drain resources otherwise used for productive purposes. We are also well aware that major ISPs like the large telephone and cable companies can fund an army of FCC and telecommunications lawyers, while we stretch our single lawyer and slim legal budget across our many legal needs. We need the protection of bright-line rules.

Reply Comments of Sidecar Technologies, Protecting and Promoting and Open Internet, GN Docket No. 14-28, August 12, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521760441>.

## **Tumblr**

Tumblr therefore urges the FCC to adopt bright-line rules promoting an open internet and prohibiting broadband providers—both fixed and mobile—from implementing, among other practices, 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 and Open Internet, GN Docket No. 14-28, Sept. 9, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521847801>.

## **PadMapper**

This proposal is offering the ISPs a huge amount of leverage over essentially every internet-based company in existence. The only way to protect small companies like us is to enact bright-line rules against abuses.

Reply Comments of PadMapper, Protecting and Promoting and Open Internet, GN Docket No. 14-28, August 12, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521758181>.

## **Imgur**

Our preference is for clarity: 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.

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

## **Roku**

We discussed the need for bright-line rules as well as the importance of having timely and meaningful enforcement regardless of the source of jurisdictional authority for rules governing an open Internet.

Reply Comments of Imgur, Inc. Protecting and Promoting and Open Internet, Comcast Corp. and Time Warner Cable Inc. for Consent to Assign or Transfer Control of Licenses and Authorizations, MB Docket No. 14-57, GN Docket No. 14-28, Nov. 28, 2014, <http://apps.fcc.gov/ecfs/document/view?id=60000988858>.

## **Amazon**

Mr. Huseman asserted that the Commission should create clear, bright line rules against blocking and discrimination and paid prioritization that will provide the certainty required by all Internet end users and edge providers to access an Open Internet.

Ex Parte of Netflix, et al., Protecting and Promoting the Open Internet, GN Docket No. 14-28, <http://apps.fcc.gov/ecfs/document/view?id=60000982192>.

## **Etsy, Engine Advocacy, ACLU, Media Action Grassroots Network, Daily Kos, Demand Progress and Free Press**

Edge companies cannot afford the complex, multi-factor, innovation-with-permission framework that would take hold were the FCC to adopt a “commercially reasonable” standard rather than an enforceable, bright-line rule against blocking and discrimination.

Ex Parte of Free Press et al., Protecting and Promoting the Open Internet, GN Docket No. 14-28, May 15, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521134622>.

## **Sidecar**

We are also well aware that major ISPs like the large telephone and cable companies can fund an army of FCC and telecommunications lawyers, while we stretch our single lawyer and slim legal budget across our many legal needs. We need the protection of bright-line rules.

Reply Comments of Sidecar Technologies, Protecting and Promoting the Open Internet, GN Docket No. 14-28, Aug. 12, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521760441>.

## **VHX**

We do not have lawyers on staff, and we do not have the resources to negotiate individualized deals. If the rules around net neutrality are too soft, we would not be able to match our competitors experience, and we would not be able to survive.

Comments of VHX CEO Jamie Wilkinson, Protecting and Promoting the Open Internet, GN Docket No. 14-28, July 16, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521586316>.

## **Open Technology Institute**

the Commission has an opportunity to dictate norms in this global debate and demonstrate U.S. leadership by adopting clear, bright-line rules grounded in a strong legal framework.

Reply Comments of the Open Technology Institute, Protecting and Promoting the Open Internet, Framework for Broadband Internet Service, GN Docket No. 10-127, GN Docket No. 14-28, Sept. 15, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7522726666>.

## **Etsy**

The factors the Commission proposes to prove commercial reasonableness are far too vague, and would provide little certainty as to whether bringing a case would be worthwhile. Meanwhile, if we chose to proceed, we would be up against the broadband providers' expert lawyers and unfathomably deep pockets. I can say with confidence that ... there is almost no chance we would risk the capital and time required to bring a successful complaint before the FCC.

Comments of Etsy, Protecting and Promoting the Open Internet, GN Docket Nos. 14-28 and 10-127, July 8, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521372050>.

## **Internet Association**

[E]stablish a readily enforceable, bright-line rule that ensures consumers are adequately protected.

Reply Comments of the Internet Association, Protecting and Promoting the Open Internet, GN Docket Nos. 14-28 and 10-127, Sept. 10, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521868266>.

## **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, <http://apps.fcc.gov/ecfs/comment/view?id=6018184364>.