

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554  
Re: Protecting the Privacy of Customers of Broadband and Other Telecommunications  
Services, WC Docket No. 16-106  
Expanding Consumers' Video Navigation Choices, MB Docket No. 16-42  
Commercial Availability of Navigation Devices, CS Docket No. 97-80

Dear Ms. Dortch:

On June 7, 2016, I met with Travis Litman, Senior Legal Adviser to Commissioner Rosenworcel, with regard to the above captioned proceedings.

I explained the filing I made in the privacy proceeding presenting a taxonomy of four types of information visible to various parties within the Internet:

- 1) Information visible only to Internet Service Providers;
- 2) Information generally available to multiple parties such as ISPs, operating systems, browsers, web services, search engines, and advertising networks;
- 3) Information invisible to ISPs when web sites employ TLS encryption;
- 4) Information invisible to ISPs when users employ Virtual Private Networks (VPN).

The filing is available in ECFS at <http://apps.fcc.gov/ecfs/comment/view?id=60001975469>.

I reiterated my concern about the overly-concentrated nature of the Internet's advertising market and how this has led to high prices and poor quality ads. I stressed the importance of regulating on the nature of the sensitivity of information rather than on the nature of the industry that collects it.

I generally upheld the FTC Guidelines a full and fair example of appropriate regulation that provides consumers with protection of sensitive personal data as well as the benefits that come to consumers as a result of the advertising revenues collected by web sites and similar services.

I explained that well-targeted advertisements are good for consumers because they offer us information about products and services that may be useful to us and also opined that untargeted ads are generally a menace because they are annoying and distracting.

I further argued that the emphasis in imposing restrictions on the collection of general information is less useful than ensuring that whatever information is collected is maintained securely. Consumers suffer actual harm when personal dossiers are hacked by criminals and resold on the black market, but targeted ads do not yet do any damage.

I expressed by concern that the FCC's limited jurisdiction in this market – while it has given itself the power to regulated Internet Service Providers, it has not granted itself similar powers

over operating systems, browsers, web services, search engines, and advertising networks – and its lack of willingness to harmonize its approach to the regulation of advertising data with the FTC creates harmful discrimination based in the nature of the collector/reseller's industry affiliation.

I also briefly reiterated comments filed the set top box proceeding and advised that the commission should reconvene DSTAC and ask it to reach a multi-stakeholder consensus.

In general, the FCC's efforts to regulate the Internet have suffered from too little consultation and too many hard-edged regulation.

In accordance with Section 1.1206(b) of the Commission's rules, this letter is being filed with your office. If you have any further questions, please contact me at (202) 861-0020.  
Respectfully submitted,

/s/ Richard Bennett  
Founder and Publisher  
High Tech Forum