

COALITION OF BROADBAND USERS AND INNOVATORS

July 7, 2003

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: CS Docket No. 02-52; GN Docket No. 00-185; CC Docket Nos. 02-33,
95-20 & 98-10
Ex Parte Submission**

Dear Chairman Powell:

At a recent Senate Commerce Committee hearing on media ownership, you were asked about media concentration in the context of the Internet, and you responded that there was no need to be concerned about the number of companies involved, because “when I sit down at the Internet, I can go anywhere I choose.” The Coalition of Broadband Users and Innovators agrees that the ability of consumers to go anywhere on the Internet, to have unfettered access to the lawful content of their choice and to use the devices they want, is the hallmark of the Internet today. As your testimony before the Committee attests, there are profound policy implications if the principle of network neutrality that has ensured the openness of the Internet is not carried forward into the broadband era.

What the Coalition continues to seek in these proceedings is merely to preserve the status quo -- an environment in which impairing consumer access to Internet content, applications or services or inhibiting the use of nonharmful devices on the network is not tolerated. That is why we have urged the Commission in these proceedings to make clear that accepted principles from the narrowband world, such as network neutrality, extend to broadband. Failing to carry this tenet forward risks uncertainty in an environment where network operators have the ability, via current technology, and the incentive, because they provide both the broadband pipe and Internet content, to impair consumer access to the Internet. The question before the Commission is whether it should preserve consumers’ reasonable expectations to go where they want on the Internet.

Your testimony before the Senate Commerce Committee demonstrates that the neutrality of the Internet is too important for a manifold of FCC issues to be left to chance. We urge the Commission to adopt narrowly crafted safeguards to preserve the status quo so that in the future consumers will still be able to “go anywhere they choose” on the Internet.

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We are also pleased to announce that two new members have joined the Coalition. Earthlink, one of the country's leading Internet service providers, and the Center for the Creative Community, which represents writers and others who create exciting content, are now part of the Coalition urging the Commission to adopt safeguards to ensure consumers continue to have unfettered access to lawful Internet content and to use the devices of their choosing with their broadband connection.

Sincerely,


Gerard J. Waldron
Counsel to the Coalition

cc: The Honorable Kathleen Abernathy
The Honorable Michael Copps
The Honorable Kevin Martin
The Honorable Jonathan Adelstein
Ms. Susan Eid
Mr. Chris Libertelli
Mr. Jonathan Cody
Mr. Matt Brill
Ms. Stacy Robinson
Mr. Jordan Goldstein
Ms. Jessica Rosenworcel
Mr. Dan Gonzalez
Ms. Catherine Bohigian
Ms. Johanna Mikes
Mr. Kenneth Ferree
Ms. Barbara Esbin
Mr. Kyle Dixon
Ms. Marjorie Greene
Ms. Mary Beth Murphy
Mr. John Norton
Mr. William Maher
Ms. Michelle Carey
Mr. Thomas Navin
Mr. Brent Olson
Ms. Carol Matthey
Mr. Scott Bergmann
Mr. John Rogovin
Mr. Harry Wingo
Dr. Robert Pepper
Mr. Simon Wilkie
Ms. Jane Mago
Ms. Maureen McLaughlin
Mr. Scott Marcus
Ms. Marlene Dortch