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CONTACT: Cameron McAlpine
M2Z Networks
(703) 589-5465
CMcAlpine@M2ZNetworks.com

Rich James
APCO Worldwide
(202) 478-3558
RJames@apcoworldwide.com

Family Research Council Urges FCC to Approve M2Z's Family Friendly Broadband Application

Formal Letter from Coalition of Family Friendly Organizations Forthcoming

Washington, DC (August 30, 2007) – The Family Research Council (FRC), one of the nation's preeminent social advocacy organizations, recently submitted a letter to the Federal Communications Commission (FCC) urging Chairman Martin to immediately grant M2Z Networks' pending application to provide a free and family friendly wireless broadband Internet service nationwide. The letter called on the FCC Chairman to use the agency's considerable regulatory authority to serve the public interest by granting the M2Z Networks' application.

"M2Z will offer porn-free wireless access to the internet, and it will provide access to the internet at no charge," wrote Tony Perkins, President of the Family Research Council, in his letter, adding, "This could be a revolutionary product, and, as the docket shows, the reception to the M2Z concept has been overwhelmingly favorable."

M2Z's free broadband service will provide parents and teachers with a safe way to use the Internet for education and entertainment by filtering pornographic and indecent material at the network level. Unlike existing tools which require software and updates to be loaded onto individual computers, parents using M2Z's wireless broadband service will not be required to play IT administrator in order to maintain a safe online environment for their children. Although there is widespread adoption of network level filters in corporate Internet use, M2Z would be the first major nationwide commercial provider to deliver a free and family friendly nationwide broadband service. M2Z will also offer a premium subscription broadband service that operates at higher speeds and gives users the option of turning off the network based filter should they choose to do so.

For a recent example highlighting the unreliability of software based filters, please visit: http://www.news.com.au/story/0,23599,22304224-2,00.html?from=public_rss

“We believe that offering a free broadband service without family friendly filtering is irresponsible,” said Milo Medin, M2Z’s co-founder, Chairman and CTO. “Similar to free-over-the-air TV, we would have no idea whether a subscriber of the free service is 11 years old or 35 years old. We also believe that offering Americans free and family friendly broadband makes good business sense since it provides consumers greater choice in the broadband market. If consumers agree, they should call the FCC and their representatives in Congress to demand action in the public interest.”

FRC joins hundreds of other federal, state and local elected officials and organizations who have written into the FCC in support of M2Z’s family friendly broadband Internet service. Other supporters include the Internet Keep Safe Coalition, United Families International, Bishop Paul Loverde of the Diocese of Arlington, and Enough is Enough.

Congressional leaders on family values have also stepped forward to support M2Z. Senator Sam Brownback (R-KS) wrote in a letter to the FCC, “Many of my Senate colleagues and I are deeply concerned about the growing problem of pornography on the Internet...Under M2Z’s unique proposal, a major nationwide broadband service that is effectively filtered at the network will, for the first time, be available for parents and their children.” In a separate letter, Senator Orrin Hatch (R-UT) added that the M2Z service “represents a much needed and long overdue private sector remedy to protect minors from the dangers of accessing pornography and indecent material over the Internet.”

“The need for a variety of tools to keep children safe on-line has never been greater. A study from the Office of Juvenile Justice and Delinquency Prevention from 2005 reported that from 2004 to 2005 there was an 84% rise in the number of formal complaints that predators had enticed minors online or traveled to meet them in person. We believe that if more service providers were to follow M2Z’s lead, it would significantly help parents and other caregivers keep our children safe on-line,” wrote Marsali Hancock, President, Internet Keep Safe Coalition in a letter to the FCC.

To view Family Research Council President Tony Perkins’ letter of support, please visit: www.M2Znetworks.com/letters

For Background on M2Z’s Free & Family Friendly Nationwide Broadband Service Proposal, The Recent Comments from Family Values Advocates In Support of M2Z, and the Public Interest Spectrum Coalition Raising Constitutional Concerns, please visit: www.M2Znetworks.com/resource-center

To view Appendix 3 of M2Z Networks’ Application, “M2Z’s Commitment to Protect Minors From Indecent Material on M2Z’s Network,” please visit: www.M2Znetworks.com/resource-center

Background

M2Z Networks currently has an application before the FCC to lease 20MHz of fallow spectrum to build a nationwide network to offer fast, free and family friendly broadband to 95 percent of the U.S. population within ten years. The service will be supported by locally targeted search results and will include a network-level filter to shield children using the service from indecent content. If licensed, M2Z would pay the U.S. Treasury 5 percent of annual gross revenues from its premium subscription services, which could total payments of up to \$1 billion over 15 years. The introduction of M2Z's broadband service would generate \$18 to \$32 billion in direct consumer benefits over the next 15 years according to two uncontested economic studies.

About M2Z Networks:

Founded in 2005 and headquartered in Menlo Park, Calif., M2Z Networks' goal is to transform the current state of the broadband marketplace by building a high-speed wireless network throughout the United States. In May 2006, the company submitted a license application to the FCC to construct and operate a nationwide broadband wireless network in the 2155-2175 MHz spectrum band. Approval of the application would guarantee delivery of free, fast and family-friendly wireless broadband service to at least 95 percent of Americans in a 10 year timeframe. M2Z is backed by Kleiner, Perkins, Caufield and Byers; Charles River Ventures; and Redpoint Ventures; three of the most successful venture capital firms in Silicon Valley with \$5 billion of capital under management. For more information, please visit www.M2Znetworks.com and www.FreeBroadbandNow.org.

About the Family Research Council:

Founded by James Dobson in 1983, the Family Research Council (FRC) champions marriage and family as the foundation of civilization, the seedbed of virtue, and the wellspring of society. FRC shapes public debate and formulates public policy that values human life and upholds the institutions of marriage and the family. Believing that God is the author of life, liberty, and the family, FRC promotes the Judeo-Christian worldview as the basis for a just, free, and stable society.

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August 22, 2007

Chairman Kevin Martin
Federal Communications Commission
445 12th Street, SW
Room #8B-201
Washington, DC 20554

**RE: M2Z's Family-Friendly Filtered Wireless Broadband Service
(WT Dockets 07-16 & 07-30)**

Dear Mr. Chairman:

I write to inform you and the other FCC Commissioners that Family Research Council (FRC) enthusiastically supports M2Z Network's (M2Z) application to construct a fast, free, family-friendly broadband service for the American public.

A formal letter of support for M2Z will be sent to the Commission as soon as we gather the signatures of other organizations.

In the meantime, I urge the Commission to think "outside the box" when considering this company's important and innovative application. Congress has granted the Commission broad powers to act in the public interest. M2Z will offer porn-free wireless access to the internet, and it will provide access to the internet at no charge. This could be a revolutionary product, and, as the docket shows, the reception to the M2Z concept has been overwhelmingly favorable.

Therefore, I ask you to do all within your considerable powers to let this train leave the station and start moving down the tracks without delay. I am sure you are aware that FRC will always work with you to oppose the delivery of obscenity through telecommunications devices and electronic media and we believe that this product will help that public interest greatly. It will take years for this service to be built, and Americans desperately need what M2Z has to offer now.

Thank you for your consideration.

Sincerely,

Tony Perkins

President

cc: Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell

FAMILY RESEARCH COUNCIL

801 G STREET NW, WASHINGTON, D.C. 20001 • 202-393-2100 • 202-393-2134 fax • (800) 225-4008 order line • www.frc.org

Background on M2Z's Free & Family Friendly Nationwide Broadband Service Proposal, The Recent Comments from Family Values Advocates In Support of M2Z, and the Public Interest Spectrum Coalition Raising Constitutional Concerns

August 2007

It is increasingly difficult to protect children from indecent material, especially given the pervasive nature of harmful sexual and violent content on modern communications media. In an era of media convergence that blurs the line between broadcast television, radio, broadband Internet, and traditional telecommunications like cellular, it has become nearly impossible for parents concerned about exposure of their children to indecent or unlawful material to find tools that allow them to easily and reliably monitor and avoid such content.

Further, it is not clear that the tools developed for each of these mediums when they were unrelated (such as the V-Chip for television and computer based content filtering based tools for the Internet) can be effective when all content is being automatically repurposed across different mediums. In other words, how do parents using the V-Chip to block inappropriate television ensure that their children don't go to the Internet and access the very same content their parents deemed inappropriate?

In light of this growing challenge that media convergence is bringing to the market, parents, state and federal legislators and regulators like the Federal Communications Commission (FCC) have been vexed by the fact that legislative and regulatory fixes are often no more than temporary measures because, in the final analysis, they have not comported with the federal judiciary's understanding of the Constitution. The Communications Decency Act was famously overturned 10 years ago and more recent efforts to find tailored solutions have also failed. Just this year, several well-intentioned state and federal government initiatives to protect children from indecency have also been rejected by the federal courts. With so much legal uncertainty surrounding government action in this area, a more durable solution is needed.

For companies subject to the jurisdiction of the FCC, a simple solution that passes constitutional muster is for the companies to work with the FCC to identify and implement voluntary means for protecting children from indecent materials on the various converged media platforms. This is the type of solution that M2Z's license application proposes and reflects the type of innovative approach that the cable industry adopted in the spring of 2007.

M2Z's License Application to Provide Free and Family Friendly Nationwide Broadband

America's broadband Internet deployment goals are going unmet and America's international rankings in broadband continue to fall rapidly. Many families, schools and libraries, in both rural and urban America, cannot access or afford broadband.

Once online, many families are also concerned about the growing threat to children of easily accessible indecent and pornographic material. In May 2006, M2Z applied for a license with the FCC to use fallow, unpaired spectrum to provide free and family-friendly wireless broadband Internet connectivity to at least 95% of the US population.

As there are significant Constitutional concerns regarding the blocking of indecent content on the Internet, M2Z has creatively sought to solve this problem by voluntarily imposing on itself the obligation to provide a family friendly network for its *free broadband service* using network based filtering technologies that are readily available and used by many corporations and institutions. M2Z also offers a "premium" subscription service that operates at a higher speed and allows adults the ability to remove the network based filter. Providing consumer choice addresses Constitutional concerns that could be implicated by a government mandated application of such a tool. M2Z believes that its *voluntary and market based* solution allows all Americans to access

broadband equitably and represents a reasonable and sound market based solution to what is a recurring challenge for American parents and consumers.

Recent Developments:

Prominent Family Values Organizations File in Support of M2Z

On August 22, 2007, The Family Research Council (FRC) joined hundreds of family organizations, federal, state and local elected officials who already support M2Z's family friendly broadband service. The FRC filed a letter to the FCC Commissioners urging Chairman Martin to immediately approve M2Z's application. Tony Perkins, FRC President said, "Congress granted the Commission broad powers to act in the public interest. M2Z will offer porn-free wireless access to the Internet... This could be a revolutionary product, and as the record shows, the reception to the M2Z concept has been overwhelmingly favorable." For more details on this letter, please go to: <http://www.m2znetworks.com/letters>

Public Interest Spectrum Coalition Ex-Parte Filing at the FCC

On August 28, 2007, the Public Interest Spectrum Coalition (PISC) consisting of Free Press, Media Access Project and Consumers Union and others, filed comments into M2Z's public record at the FCC opposing M2Z's voluntary content filtering on its free broadband service. PISC added that, "granting the license subject to a filtering condition... raises serious First Amendment concerns as well as statutory concerns." For more details on the PISC Filing, please go to: http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6519708118

Summary of Key FCC Statements on Indecency and the Internet

Chairman Martin – "I continue to believe that the most important thing we should be doing in these areas is giving parents more control over content, and I think that you can do that most easily by letting them pick and choose which channels they want to buy. That is the single most important thing we could end up doing to give additional tools for parents to try to control content they are concerned about." Broadcasting & Cable, 4/9/2007

Commissioner Tate – "With one in five children being confronted by child predators online, we should all be concerned about protecting our children in cyberspace. I am pleased to see industry stepping up to provide more tools for parents." Press Statement by FCC Commissioner Deborah Taylor Tate on the National Cable and Telecommunications Association and the Creative Coalition Announcement of their Voluntary Internet Safety Initiatives. June 2007.

Commissioner Copps – "The FCC has a duty to find a way to breathe life into the laws that protect our kids. ...Enforcing the laws against indecency, profanity and obscenity must remain a Commission priority — America's families and children expect and deserve no less." Commissioner Copps Disappointed In Court Decision On Indecency Complaints. Press Release, June 4, 2007.

Background on Legal and Constitutional Issues Raised by M2Z's Voluntary Commitment to Provide Free and Family Friendly Nationwide Broadband

MARCH 2007 – STATE INDECENCY LEGISLATION OVERTURNED --- Earlier this year, the Utah legislature passed a bill that repeals portions of the state's adult content law, *Pornographic and Harmful Materials and Performances*, that requires Internet service providers in the State of Utah to block sites the Utah Attorney General deems to be harmful to minors. The Bill was in response to a November 2006 decision of the U.S. District Court for the District of Utah that

prohibited the enforcement of certain sections of the legislation establishing an adult content registry and requiring ISPs to (1) identify material "harmful to minors" and (2) block registered content to customers upon request as these provisions were deemed unconstitutional.

MARCH 2007 – FEDERAL INDECENCY LEGISLATION OVERTURNED---In March 2007 a federal court ruled that the Child Online Protection Act, a bi-partisan federal statute, violates First and Fifth Amendment rights. The 1998 law included both civil and criminal penalties for those who make sexually explicit materials freely available on the Web. The court ruled that COPA is too "impermissibly vague and overbroad" to be constitutional, and that there are other less-restrictive means available for protecting children from content deemed inappropriate. The Judge rendering the decision noted that the law *mandated* his ruling and added his "personal regret at having to set aside yet another attempt to protect our children from harmful material."

JUNE 2007 – TWO FCC INDECENCY ORDERS VACATED---An appeals court determined that the FCC can't find broadcasts indecent if they include a single curse word. The court complained that the agency changed enforcement policy without giving sufficient reason for doing so or analyzing the change. In making its ruling, the U.S. Appeals Court, N.Y., remanded the whole "fleeting expletive" policy to the FCC, vacating 2 orders finding Fox's *Billboard 2002* and 2003 shows indecent. The ruling was limited to Administrative Procedures Act considerations, but the court said the fleeting expletive policy may not be Constitutional. Observers believe it is very unlikely that: (i) an appeal would be granted and (ii) the FCC could win.

SUMMARY

VOLUNTARY EFFORTS ARE EFFECTIVE AND IMMEDIATE---Unlike generalized government mandates, meaningful voluntary corporate efforts do not involve government action and do not transgress either the Bill of Rights or the Administrative Procedures Act. Thus, such commitments can be implemented without delay and are likely not to be subject to significant judicial uncertainty. This is critical because parents cannot afford to wait months or years to protect their children from the challenges presented by today's converged media environment. Moreover, the promotion of voluntary measures is, in fact, a fulfillment of the Constitutional directive that the government must explore "less-restrictive means" for protecting children from the harms of indecent material. The FCC should take every opportunity to promote and support voluntary industry efforts on indecency in order to protect America's children. If the FCC encourages more competition and a vibrant culture of "voluntary protection," consumers will demand that all service providers find ways to innovatively address these types of challenges in order to distinguish themselves in the marketplace.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re:)	
)	
M2Z NETWORKS, INC.)	File No.
)	
Application for License and Authority to)	
Provide National Broadband Radio Service)	
in the 2155-2175 MHz Band)	
)	

APPENDIX 3

**M2Z'S COMMITMENT TO PROTECT MINORS FROM INDECENT
MATERIAL ON M2Z'S NETWORK**

M2Z's Commitment to Protect Minors From Indecent Material on M2Z's Network

1. Modeling its proposal for protecting minors from pornography on the free over-the-air broadcast model successfully established by the Commission six decades ago, M2Z recognizes the legitimate expectations of the Commission and Congress for the responsible and efficient use of licensed spectrum. Accordingly, M2Z is committed to developing reliable means to prevent unfettered access to pornography and other indecent material when M2Z provides free, nationwide, interoperable broadband access to all Americans, including school children. To this end, M2Z will actively take steps to prevent access to indecent material by young people.¹
2. Providing broadband Internet access without a subscription charge presents certain unique challenges that must be addressed responsibly by the operator. Where a billing relationship exists, there is great certainty about the identity of the subscriber and therefore action can be taken against the user when Internet standards of proper conduct are violated. Conversely, when there is no regular monthly charge for access, there is no billing information available about the subscriber. Therefore the operator cannot verify with high integrity the subscriber's age, name, address, or other contact information. In a system providing free broadband access, therefore, the network must actively intervene to prevent improper behavior.
3. While there are several approaches that could address these problems, M2Z's current approach is to route free-user traffic through a set of proxy servers, which can examine the traffic flows for improper activity and restrict access as required. This approach will also reduce the need for a large quantity of IPV4 addresses to launch service, because non-global routing address space can be used to communicate with subscriber computers. This technical approach is similar to firewalls used by large scale enterprises, as well as by many schools and libraries to restrict user access to indecent material. This proposed proxy server model will have to be deployed on a

¹ M2Z also will endeavor to reduce the ability of users to distribute spam from its network; however, M2Z will not have the means to completely eliminate spam.

much larger scale to meet M2Z's requirements, but M2Z believes it can effectively do this within the cost constraints imposed by the free access business model.

4. In the proxy server approach, web and other traffic from a user is directed through various network elements to a set of regional servers, which then process the requests. These servers can examine the URL (the web address of a specific piece of content), and compare it with a list of sites that contain pornography or other forms of indecent content. If the requested site is not in the list of problematic sites, then the server requests the data from the remote web server (using the proxy server's own IP address), and then delivers the data back to the user. If the URL is on a list of prohibited sites, then the user is provided with a message that indicates that the URL cannot be accessed.²

5. It is important to point out that, while these measures can be very effective, it is unlikely they will be 100% effective. Some indecent materials may be accessed from time to time, and M2Z will work with the appropriate authorities to take remedial action as needed. The capabilities of content filters change over time and the sites serving up indecent material also change, requiring constant updates of the list. Several companies are in the business of providing such services, and M2Z will strive to use the most effective filters that provide the smallest number of false positives (blocking access to sites that do not contain indecent material). The proposed .xxx domain will also help with this process if it is adopted, by encouraging purveyors of indecent materials to move to a clearly identifiable "zone" that makes it easy for servers to identify such traffic and block it as required.

6. While M2Z's filtering proposal is primarily designed for its National Broadband Radio Service, the company, nevertheless, recognizes that consumers that upgrade to the Premium

² Likewise, when a user sends out email, the outbound SMTP request is redirected by the network to a set of servers. If the user is attempting to send large volumes of email and the traffic matches a profile of spam, the server can reject the email or slow down the rate it can be sent to the rest of the Internet, thereby lowering the desirability of M2Z's network to so called spam merchants.

Services may also be interested in obtaining filtering capabilities. For that reason, all consumers purchasing a Premium Service will have the option of employing content filtering.