



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

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October 15, 2009

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: Broadband Industry Practices (WC Docket No. 07-52)

Dear Chairman Genachowski:

We write on behalf of the National Conference of State Legislatures to express our concerns regarding the Federal Communications Commission's Notice of Proposed Rulemaking on Broadband Industry Practices. As you may know, NCSL's policy positions have long supported efforts that ensured an open, accessible and vibrant Internet that are consistent with the Four Principles adopted previously by the FCC. We believe that this "light touch" regulation employed by the FCC through these principles has served Americans and communications providers well. Any efforts by the FCC to impose burdensome requirements on providers could serve to stifle consumer choice, technological innovation, industry investments and the economic well being of our states.

The exponential growth of the Internet has flourished as a result of both the government's 'hand's off' approach, ever increasing competition, as well as high consumer demand. Over regulation of the Internet will interfere with future investment and innovations benefiting the health and well-being of its end user customers. Internet users should be given a choice when it comes to selecting a broadband connection that will meet their current and future needs for speed, reliability, quality of service, and capabilities not yet envisioned.

Broadband connections, services, and applications should continue to become more affordable and accessible to all consumers. However, companies that invest in broadband and broadband-related applications should be afforded the flexibility to explore fair and competitive business models and pricing plans for their products and services.

More and more Americans are using the Internet for increasingly sophisticated and bandwidth-intensive applications such as video. It is critical that broadband providers maintain the flexibility to manage this surge in traffic through a variety of means, including adding more capacity and employing network management capabilities without government mandates.

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NCSL urges the FCC to maintain the current minimal regulatory approach that allows the competitive marketplace to drive broadband and broadband-related application development and deployment. We believe that the current regulatory approach as envisioned in the FCC's Four Principles should be maintained and not broadened to include regulation of provider network management.

We appreciate the opportunity to express the concerns of our colleagues from a cross the country. Should you have additional questions about NCSL's position, please contact Neal Osten at 202-624-8660, neal.osten@ncsl.org or Christopher Coleman at 202-624-8673, christopher.coleman@ncsl.org.

Sincerely,



Senator Don Balfour, Georgia
President
National Conference of State Legislatures



Representative Brian Patrick Kennedy, Rhode Island
Chair, NCSL Standing Committee on Communications, Financial Services and Interstate
Commerce

cc: Members of the Federal Communications Commission