

Commission precedent. Such a narrow focus would also prevent conversion of the existing one-sided product market into a two-sided market, a transformation which would have serious negative consequences in the existing environment market by limited competition, network effects, high switching costs, information asymmetry, and a termination monopoly.

On the subject of reasonable network management, Public Knowledge suggested that, the term should be viewed as an exclusively technical exception. Reasonable network management should be reserved for actions taken to maintain the integrity and functionality of the network. All other actions that a service provider might take, be they in response to a request by law enforcement, civil subpoena, or similar action, are covered by the law enforcement exception. To this end, Public Knowledge recommended narrowing the Commission's proposed definitions of reasonable network management and removing it as a condition from the various substantive provisions of the proposed rules, replacing these individual instances with one generally applicable exception, which requires the practice to be designed only to address a technical need of the network as well as reasonably minimize discrimination, preference, and harm to users and competitors.

Public Knowledge also recommended that the rules indicate that the law enforcement, public safety, and national security exceptions do not grant broad discretion to providers to make judgments on these policy issues, leaving the determination of the public interest in those areas to the relevant agencies.

Public Knowledge also suggested that enforcement of the rules should take the form of a rapid complaint process similar to the program access model, with the Commission having the power to grant injunctive relief. The process should be able to deal both with basic consumer complaints, as well as complaints by providers and users with more detailed objections.

In accordance with the FCC's *ex parte* rules, this document is being electronically filed in the above-referenced dockets today.

Sincerely,

/s/

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