

April 8, 2010

RE: *In the Matter of Preserving the Open Internet Broadband Industry Practices* (GN Docket No. 09-191 and WC Docket No. 07-52)

Comment on Proposed Rulemaking

For 27 years, the National Coalition for the Protection of Children & Families has worked to educate parents, clergy, policymakers, and industry leaders about the social costs of pornography and has encouraged the development of regulations, strategies, and tools—and particularly effective Internet controls—to protect children from harmful content.

At the core of this activity is the conviction that parents and caretakers have the right and responsibility to protect their families, and especially their young people, from pornography and other harmful content. The advent of mobile wireless and the proliferation of mobile devices with wireless Internet capability have increased the challenges parents face in protecting their children from such content. Effective network management activities and parental controls provided by wireless carriers are vital to parents' efforts in protecting their children online. In light of this, we respectfully submit these comments regarding the proposed rules.

Vibrant competition and innovation in the wireless industry provide American consumers with their choice of wireless devices and services to meet their personal and family needs. Consumers benefit from current network management activities that guard children and families from illegal or harmful content, maximize network efficiencies to allow consumers to use the services of their choice, and maintain the quality of service consumers expect.

The FCC's proposed rules seek to preserve and promote the open Internet in a manner that will "protect the legitimate needs of consumers, broadband service providers, entrepreneurs, investors, and businesses of all sizes that make use of the Internet." However, the proposed "Open Internet" rules could prevent wireless carriers from implementing additional network management innovations and would inject uncertainty into the mobile broadband market for the industry and consumers.

Under an "Open Internet" regime, the wireless industry would not be allowed to prevent any of its users from sending or receiving potentially harmful content. Also, the wireless industry would be required to do the following: allow users to access all lawful open Internet content, applications, and services; allow users to attach any device that does not harm the network; and disclose their proprietary network management practices to potentially harmful content providers.

In addition, the proposed rules only impose regulations on one component of the wireless industry (*i.e.*, carriers) while leaving application/content providers and others free from regulation. In short, carriers would be unable to prevent any harmful content from being transmitted on their networks.

In light of this, we oppose the proposed rules and strongly urge the Commission to consider the negative consequences they will have on American children and families. We hope the Commissioners agree that if the proposed rules result in minors' increased exposure to harmful content online, the FCC will not have achieved its goal of "protect[ing] the legitimate needs of consumers."