

December 10, 2010

Chairman Julius Genachowski
Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Commissioner Meredith Atwell Baker
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: GN Docket No. 09-191, WC docket No. 07-52

Dear Chairman Julius Genachowski and Commissioners:

Consumers Union and Consumer Federation of America are encouraged to see several of the Commissioners fully engaged in an effort to adopt rules that restore the Commission's authority to ensure that the Internet remains an open platform for innovation, speech and commerce and that consumers are protected from harmful ISP practices. We believe the current plan is a first step in ensuring consumer protections, but more needs to be done in several areas. We urge the Commission to resolve the following issues:

- 1. Wireless Broadband:* the Commission should ensure that broadband wireless Internet access service complies with the same public interest principles as broadband wireline Internet access service. We have heard that there are some technical constraints with respect to wireless broadband service. However, these issues can be dealt with an appropriate reasonable network management definition. As more and more consumers begin to rely on wireless access, it is imperative that consumers using wireless broadband services share the same protections as wireline broadband users.
- 2. Definition of Broadband Internet Access Service:* the Commission should adopt a clear and concise definition of broadband Internet access service. An overly broad definition and carve-outs would allow ISPs to circumvent the rules. Additionally, the Commission should establish a rule based on clear guidelines for defining when network management practices are reasonable to ensure that ISPs cannot circumvent the rules.
- 3. Specialized Services:* The Commission should ensure that specialized services do not undermine the Open Internet. The Commission should require that specialized services demonstrate they are in the public interest, not discriminatory, and not harmful to the broadband Internet access service that is widely available to the public, with at least a rebuttable presumption that paid prioritization is detrimental to the Open Internet and consumers.

Respectfully Submitted,

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