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ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of *Ex Parte* Meeting, GN Docket No. 09-191, GN Docket No. 14-28

Dear Ms. Dortch:

On April 16, I, Barbara van Schewick, met with Commissioner Mignon Clyburn, Rebekah Goodheart, Legal Advisor – Wireline, and Stefanie Frank, Law Clerk, Commissioner Clyburn’s Office.

We discussed the limits that Section 706 imposes on the FCC’s ability to adopt network neutrality rules. In particular, to be upheld in Court, any rules need to leave sufficient room for individualized negotiation and discrimination. Substantively, rules that respect the limits of Section 706 will provide significantly less protection than the FCC’s Open Internet Rules. Network neutrality rules adopted under Section 706 will provide little certainty to Internet service providers and entrepreneurs, create high costs of regulation and create a high risk of litigation.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Barbara van Schewick

Barbara van Schewick
Professor of Law and (by courtesy) Electrical Engineering
Helen Crocker Faculty Scholar
Faculty Director, Center for Internet and Society, Stanford Law School

cc:

Commissioner Mignon Clyburn

Rebekah Goodheart

Stefanie Frank