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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 18, I, Barbara van Schewick, met with Commissioner O’Rielly and Erin A. McGrath, Legal Advisor, Wireless, International & Public Safety, for Commissioner O’Rielly.

We discussed evidence of blocking and discrimination from Europe. This evidence is described in more detail in my *ex parte* letter to the Commission dated March 3, 2014.¹

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.

We also discussed reclassification. I explained that reclassification would allow the FCC to adopt network neutrality rules that provide the substantive protection that users and Internet companies need. Such an approach would allow the FCC to adopt rules that provide certainty to Internet service providers and entrepreneurs, keep the costs of regulation low and are likely to be upheld in court.

¹ <http://apps.fcc.gov/ecfs/document/view?id=7521087920>.

I expressed my hope that the Commission will explore all of the available options for moving forward on network neutrality before making a final decision instead of focusing on one option exclusively.

I also met with Commissioner Jessica Rosenworcel. The conversation focused on the limits of Section 706, the benefits of reclassification and my hope that the FCC will explore all of the options before making a final decision on how to move forward on network neutrality.

Finally, I met with Jonathan Sallet, Acting General Counsel. The discussion focused on the limits of Section 706 and the benefits of reclassification. We also discussed the Open Internet Order's approach towards specialized services.

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 Michael O'Rielly
Erin A. McGrath
Commissioner Jessica Rosenworcel
Jonathan Sallet