

**Before the  
Federal Communications Commission**

**In the Matter of** )  
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**Protecting and Promoting the** )  
**Open Internet** )  
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**GN Docket 14-28**

**Reply Comments of Poll Everywhere**

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## Executive Summary

We urge the FCC to classify broadband providers under Title II of the Communications Act, and to impose bright-line rules which prohibit blocking, technical discrimination, and paid prioritization. We agree with the comments of startups, investors, nonprofits, and millions of Americans. We disagree with the comments by AT&T, Verizon, and Comcast.

If America's *de facto* net neutrality regime had not been in place in 2007, Poll Everywhere might not exist today. If bright-line net neutrality rules are not enacted today, we might have to slow our growth at best, and might go out of business at worst.

## I. Poll Everywhere Makes Presentations Engaging

Poll Everywhere enables presenters to embed polls within their talks. Members of the audience deliver their responses via text messages or tweets, and the results are integrated into the presentation live. Our platform is easy to use, cheap, and flexible. Though our users range from consultants to pastors, our product appeals especially to educators: in total, over 100,000 teachers use Poll Everywhere to make their lectures more effective.

We received funding from Y Combinator, Silicon Valley's most premiere startup accelerator. We have 20 employees in our San Francisco office. We have been profiled in the *New York Times* and the *Chronicle of Higher Education*. *TopTenReviews* said that Poll Everywhere is "a SMS polling service that can't be beat, and is a high-quality example of the future of web-based mobile advertising."<sup>1</sup>

We compete directly with other text message-based polling services and the analog incumbents of our field: companies which manufacture "clickers." Clickers are like simplified versions of your TV's remote control, which allow audience members to record their answer to multiple choice questions. The demand for polling is great and growing: one of the largest companies in the space, Turing Technologies, sold 1.5 million units in 2011 alone.<sup>2</sup>

We offer several advantages over our incumbent competitors. First, it's easier for customers to get started with Poll Everywhere than it is to set up a system of clickers. To set up Poll Everywhere, all you have to do is download our app to a device you already have: your computer. Members of your audience need only to use devices which *they* already have—phones or computers—in ways to which they are already accustomed. You don't have to buy a

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<sup>1</sup> <http://sms-polling-services-review.toptenreviews.com/poll-everywhere-review.html>.

<sup>2</sup> <http://www.nytimes.com/2012/03/31/us/clickers-offer-instant-interactions-in-more-venues.html?pagewanted=all>.

clicker base; your audience doesn't have to buy clickers. This makes it possible to set up polls spontaneously, and easier to set up polls long in the making. Second, even in settings already accustomed to clickers, Poll Everywhere is often cheaper. Clickers tend to sell for \$30 to \$40 apiece, and the base system which generates graphs from responses costs \$250. Poll Everywhere is free for the audience, and often is much cheaper for the presenter. This lower price point has made audience response technology more accessible to price sensitive customers, like K-12 and University instructors. Third, Poll Everywhere is flexible; it can process a wide range of responses. Though our users most often ask multiple-choice questions, they can also ask their audiences to submit unrestricted responses. That flexibility is impossible with analog clickers, which must have all of their possible responses built-in on the assembly line.

## **II. We Could Have Never Founded this Company Under the FCC's Proposal**

We've all been there. A PowerPoint presentation, or maybe a lecture, rolls on endlessly past a huge field of facts. You stopped paying attention 30 minutes ago. Before founding Poll Everywhere, our co-founders, Jeff Vyduna and Brad Gessler were on the other side, tasked with giving several internal presentations at a large consulting firm. We often tried to think of ways to keep their audiences engaged. One day, we decided to solicit text message responses to the presentation. We rewarded participation by giving an iPod, randomly, to one respondent. The success of this experiment led us to found Poll Everywhere.

Being accepted into Y Combinator was our big break. When we founded Poll Everywhere, in 2007, we were all either working day jobs or attending business school. Before we were accepted to Y Combinator, we thought Poll Everywhere had serious promise, but we weren't comfortable investing all of our time and much of our money in such a risky proposition.

If the FCC's Proposal had been law when we were founded, we might not have received funding from Y Combinator—or from anyone else. The partners at Y Combinator would have realized that, in order for us to be competitive, we would have had to be in a fast lane. One of

our more dazzling features is live updating: the slide in your presentation will change as votes come in. In order to pull off this feature, we have to shuttle data quickly and consistently. If we were in a slow lane at the time of our founding, our demo at Y Combinator might have loaded slowly or choppily, or our product would have been slow and choppy when we launched. It would have been harder to persuade people to switch from clickers to Poll Everywhere. The partners at Y Combinator would have realized this, and would have been less willing to fund us.

But even if Y Combinator did accept us, we would have also faced the more total threat of *exclusive deals* signed between the manufacturers of clickers and ISPs, offering them and only them priority access. We certainly could not have afforded to negotiate such a deal, and such a deal would have set us back tremendously. If we were able to overcome those obstacles, our product would be much more expensive and not as accessible by our price sensitive education customers.

### **III. The FCC's Proposal Threatens Our Company's Future**

Many of the concerns we would have had at our founding remain problematic today. We still run on a tight budget, and we're not sure whether we could afford to put ourselves in a fast lane. Even if we could, that would only mean diverting money away from hiring and growth. Meanwhile, we are terrified by the threat of an exclusive deal, forged between ISPs and a giant producer of clickers. We certainly could not afford such a deal, which would come at a great cost. If that deal forced us to the slow lane, it would be hard for us to draw in new users. We might even lose our current ones, frustrated as they would be with our slow and patchy service. They might turn back to clickers, which would be much more expensive for students and teachers.

#### **IV. We Do Not Have an Army of Lawyers to Negotiate With or Sue ISPs**

The FCC's "commercial reasonableness" standard provides us no comfort. We have no telecommunications lawyers on staff, and we cannot afford to sue the biggest ISPs simply to access our users with service equal to our competitors. Presumptions don't offer us the certainty we need to take on a legal battle.

We urge the FCC to classify broadband providers under Title II of the Communications Act, and to impose bright-line rules which prohibit blocking, technical discrimination, and paid prioritization.

Respectfully submitted,

/s/ Name of Key Contact

Key Contact Name

Title