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

Re: Notice of Ex Parte Presentation, GN Docket No. 14-28, Protecting and Promoting the Open Internet

Dear Ms. Dortch:

On August 6, 2014, Nancy LeaMond, Joyce A. Rogers, Cristina Martin-Firvida, Marti T. Doneghy and Dr. Trevor Roycroft on behalf AARP met with FCC Chairman Tom Wheeler, Gigi Sohn, Special Counsel for External Affairs, Office of the Chairman, Daniel Alvarez, Legal Advisor for Wireline, Public Safety, and Homeland Security, Office of the Chairman, Matt DelNero, Deputy Bureau Chief, Wireline Competition Bureau, Stephanie Weiner, Associate General Counsel, Office of General Counsel, Regina Black, intern, Office of the Chairman, Jeff Shaw, law clerk, Office of the Chairman, and Brad Revare, law clerk, Office of the Chairman.

In the meeting AARP stressed the importance of the promotion of competition and innovation at the network edge, a process that has resulted in an expanding set of benefits for older Americans, i.e., those in age 50+ households.

AARP explained that competition in last-mile broadband networks is lacking; that edge providers face access monopolies; and that broadband ISPs are expanding into a growing set of services that compete with edge providers, such as voice and video, home automation, alarm monitoring, medical monitoring, and smart grid applications.

AARP stressed that reclassification of broadband Internet access as telecommunications will deliver the needed regulatory certainty and will continue to promote innovation, as well as investment. AARP advanced the position that investments will continue under Title II precisely because the virtuous circle identified in the 2010 *Open Internet Order* will be enabled by the competition at the network edge that is promoted by an open Internet.

Real Possibilities

AARP pointed out that middle ground perspectives, such as those associated with the *Mozilla* petition and Wu and Narechinia proposals, while correctly pointing out that broadband ISPs provide a pure telecommunications service to the traffic that they terminate, overlook the substantial and growing volume of upstream traffic from end users, which is also nothing more than pure transmission capacity. As a result, AARP noted that it makes little sense to leave the retail side of broadband markets classified under Title I while classifying terminating traffic as Title II. Both sides of the broadband ISP market provide pure transmission that is properly treated as Title II.

AARP asked the Commission to use Title II foundation to solidify the Commission's ability to prevent discrimination and blocking of lawful Internet content, services, and technologies. AARP pointed out the importance of the "effective usability" standard to address no-blocking in the NPRM. AARP also stated that the Commission cannot escape common carriage through the "fast lane" plus "minimum level of access" approach necessary to ensure "effective usability." Rather, the Commission would likely find its efforts stifled again as Title II classification is needed to impose the minimum service quality standards suggested as the path forward in the NPRM. Reclassification with forbearance is the proper approach and would directly support the *Open Internet Order's* framework, thereby avoiding the uncertainty associated with the NPRM's approach. AARP pointed out that Title II and Section 706 are highly complementary, precisely because Section 706 addresses the promotion of the availability to all Americans of "high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology." Using Title II to enable the 2010 *Open Internet Order's* framework, precisely because that framework is founded on Section 706, is the best path forward.

AARP noted that Title II has a long history of enabling competition and innovation. AARP pointed out that the Commission has utilized its discretion to craft regulatory frameworks under Title II that have ranged from monopoly markets to those with competition, and that the success of the nascent Internet was based on the availability of neutral telecommunications pathways in the form of dial-up connections. AARP also discussed the potential for the Commission to establish a flexible framework under Title II, by forbearing from provisions other than Sections 201, 202, and 208, and by focusing Title II authority to support the non-blocking, non-discrimination, and transparency rules.

In accordance with Section 1.1206(b) of the Commission's rules, this letter is being filed with your office. If you have any further questions, please contact me at (202) 434-3804.

Thank you.

Marti Thomas Doneghy
AARP, Sr. Legislative Rep.