August 15, 2014

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St, SW
Washington, D.C. 20554

Re: Notice of *Ex Parte* presentation in WC Docket No. 14-28

Dear Ms. Dortch:

EDUCAUSE and the American Library Association (ALA) held a series of meetings on Monday, August 11, and Tuesday, August 12, with FCC staff to discuss the Open Internet proceeding. The meetings were attended by Larra Clark (ALA), Jarret Cummings (EDUCAUSE) and the undersigned on behalf of both organizations. The FCC staff in attendance were Daniel Alvarez, Matt DelNero, Claude Aiken and Melissa Kirkel (Monday) and Jonathan Sallet and Stephanie Weiner (Tuesday)

EDUCAUSE and ALA summarized some of the points made in their initial comments in this proceeding. They said that they support the FCC's commitment to develop the strongest possible legal framework to protect the open Internet and that preserving an open Internet is extremely important to education, research and learning. Higher education and libraries both produce content and purchase broadband connections to the Internet. They noted that libraries' and higher education's interests sometimes fall through the cracks, and cited as an example that the proposed "ombudsman" should also have authority to advocate for libraries and education and research organizations, not just entrepreneurs and small businesses.

The group asserted that paid prioritization would be inherently unfair and would be particularly harmful to higher education and libraries, which do not have resources to pay additional fees.

The group also discussed concerns with the proposed "commercially reasonable" standard and advocated for using an "Internet reasonable" standard instead. The "commercially reasonable" standard is framed around the business (commercial) interest of companies and might not allow the FCC to consider the public interest services provided by libraries and higher education. "Commercially reasonable" is also a general concept that provides little guidance to the industry. An "Internet reasonable" standard, on the other hand, could be framed around preserving the history and culture of the Internet as a platform for learning, research, education and the exchange of information, in addition to promoting innovation and commerce. An "Internet reasonable" standard would provide guidance to Internet participants and also provide enough flexibility to be upheld on judicial review.

The group also said that mobile services are increasingly used for education, research and learning, and there should be no difference in the open Internet rules for wired and wireless services. They advocated for a firm "no blocking" policy for both mobile and fixed broadband providers with a focus on the end-user perspective. Finally, the group noted that higher education and libraries, as end users, often have their own private networks that should not be subject to the rules that apply to publicly available broadband Internet access services.

Sincerely,

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cc: Daniel Alvarez
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