

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Protecting and Promoting) GN Docket No. 14-28
The Open Internet)

**Reply Comments from the
Wisconsin Department of Public Instruction
(September 15, 2014)**

The Wisconsin Department of Public Instruction (Wisconsin DPI) is the state's education and library agency. The department has statutory oversight for 424 public school districts and 386 public libraries. Our department submits these reply comments in support of the initial comments filed on July 18, 2014, by the American Library Association and several other library and higher education organizations.¹

We strongly support rules to enforce Net Neutrality and to maintain the open nature of the Internet. We are concerned that the January 2014 court decision vacating the FCC's non-discrimination and no-blocking rules gives broadband Internet providers the ability to block, degrade, or prioritize certain Internet traffic as they so choose. If this is allowed to happen, the open Internet we are accustomed to will likely degenerate into an information medium where some sites are available only to those with deep financial pockets. Our public schools, libraries and institutions of higher education do not have the financial wherewithal to be part of some bleak "pay-to-play" Internet landscape.²

Here are just two examples that highlight our concerns.

(1) Each year the department invests \$1.8 million annually to license reference and full-text

¹ See Comments filed by the American Library Association, et al. *In the Matter of Protecting and Promoting the Open Internet*. GN Docket No. 14-28. (<http://apps.fcc.gov/ecfs/document/view?id=7521701640>).

² The cable TV industry offers a telling example of the "pay-to-play" environment where customers cannot access certain channels because the cable company has failed to negotiate sufficient financial compensation with the channel's content provider. Without a neutral Internet the dysfunctional model of the cable industry is what the Internet could become.

databases which are then made available to every library and educational institution in Wisconsin. We are concerned that if an open Internet is not maintained, the cost for this extremely valuable information resource will increase dramatically as content providers find they need to pay to ensure access to their content— with the likely certainty they will pass this added cost on to our department. And this is not just a Wisconsin issue. About forty-five states have similar database programs and thus this example is a nationwide concern.

(2) The Department of Public Instruction along with our state Department of Administration and the state's telecommunication carriers are currently in a major project to bring fiber connectivity to over 350 public libraries in the state. The fiber will provide our libraries with a future path to increase their bandwidth to meet an ever growing demand. As in the previous example, we are concerned that just as our libraries get fiber to enable much faster access to content, they will confront added costs to access that content.

Considering the public interest missions of public schools, libraries and higher education these critical community anchor institutions absolutely require a neutral Internet, and this should be recognized by the FCC in developing its open Internet rules. And in developing its rules, while we believe the Commission has the statutory authority under Section 706 to craft a regulatory regimen with reasonable Internet protections, we think reclassifying broadband providers under select provisions of Title II offers a more solid regulatory foundation. To the critics who claim Title II will stifle investment in broadband infrastructure, we simply note that we never heard this concern stated when most broadband providers were subject to Title II's provisions prior to 2005.

Finally, when the FCC released its 2005 Internet deregulation decision we recall at the time the admonition of then FCC Commissioner Michael Copps that: "We need a watchful eye to ensure that network providers do not become Internet gatekeepers, with the ability to dictate who can use the Internet and for what purpose."³ His concerns are as relevant today as they were almost ten years ago.

Thank you for listening to our concerns.

Sincerely,



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Wisconsin Department of Public Instruction

³ *In the Matter of Appropriate Framework for Broadband Access to the Internet over Wireline Facilities.* Comments of Commissioner Michael Copps. August 5, 2005.
(http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-260433A4.pdf).