



UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Communications
and Information
Washington, D.C. 20230

November 10, 2014

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

RE: Ex Parte Filing; Framework for Broadband Internet Service (GN Docket No. 10-127); Open Internet Rulemaking (GN Docket No. 14-28)

Dear Ms. Dortch:

Please find attached for filing in the above-referenced dockets a statement released today by President Barack Obama on network neutrality. In it, the President reaffirms his commitment to a free and open Internet, and he calls on the FCC to protect neutrality on the Internet using Title II of the Communications Act of 1934, as amended by the Telecommunications Act of 1996.

In addition, on November 6, 2014, Jeff Zients, Director of the National Economic Council and Assistant to the President for Economic Policy, met with Chairman Tom Wheeler and Federal Communications Commission General Counsel Jonathan Sallet to convey the points set out in the attached statement.

Respectfully submitted,


Lawrence E. Strickling

cc: The Honorable Tom Wheeler, Chairman
The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner

Philip Verveer, Senior Counselor to the Chairman, forwarding comments from ATT's top lobbyist – 11:04 a.m., Nov. 10th

“This is awful... And bad for any semblance of agency independence. Too many people saw Zients going in to meet with Tom last week.”

From: Philip Verveer
To: Jonathan Sallat; Ruth Millman
Subject: FW: FCC CHAIRMAN TOM WHEELER'S STATEMENT ON PRESIDENT BARACK OBAMA'S STATEMENT REGARDING OPEN INTERNET
Date: Monday, November 10, 2014 11:04:48 AM

FYI

From: [REDACTED]
Sent: Monday, November 10, 2014 11:02 AM
To: Philip Verveer
Subject: Re: FCC CHAIRMAN TOM WHEELER'S STATEMENT ON PRESIDENT BARACK OBAMA'S STATEMENT REGARDING OPEN INTERNET

I hope so too.
Now I at least understand why you pushed the hybrid
This is awful. And bad for any semblance of agency independence too.
Too many people saw Zients going in to meet with Tom last week.
Sent from my iPad

On Nov 10, 2014, at 10:55 AM, Philip Verveer [REDACTED] wrote:

Jim
We're trying to schedule a conversation about this morning's developments for some time this afternoon. I hope we're able to connect.
Phil

From: Kim Hart [mailto:Kim.Hart@fcc.gov]
Sent: Monday, November 10, 2014 10:42 AM
To: press
Subject: FCC CHAIRMAN TOM WHEELER'S STATEMENT ON PRESIDENT BARACK OBAMA'S STATEMENT REGARDING OPEN INTERNET

FCC CHAIRMAN TOM WHEELER'S STATEMENT ON PRESIDENT

E-mail From the FCC Chairman to the FCC
Chief of Staff, Senior Counselor, General
Counsel and Communications Director
November 10, 2014

From: Tom Wheeler [e-mail redacted]
To: [Ruth Milkman](#); [Philip Verveer](#); [Jonathan Sallet](#); [Shannon Gilson](#)
Subject: FW: The President wants you to see this:
Date: Monday, November 10, 2014 4:31:49 PM

FYI. Isn't it interesting:

1. The day of the demonstration just happens to be the day folks take action at my house,
2. The video of POTUS just happens to end up on the same message as the video from POTUS,
3. The White House sends this email to their supporter list asking "pass this on to anyone who cares about saving the Internet."

Hmmm...

T

E-mails From the Chief of Staff to the Senate
Majority Leader to the FCC Chairman

From: Krone, David (Reid) [mailto: [REDACTED]@reid.senate.gov] **May 15, 2014**

Sent: Thursday, May 15, 2014 9:26 AM

To: Tom Wheeler [e-mail redacted]

Subject: <no subject>

Good luck today.

Not sure how things have landed but I trust you to make it work. Please shout if you need anything.

Spoke again last night with the WH and told them to back off Title II Went through once again the problems it creates for us.

From: Krone, David (Reid) [mailto: [REDACTED]@reid.senate.gov]

Sent: Thursday, May 15, 2014 6:15 PM

To: Tom Wheeler [e-mail redacted]

Subject: Re: <no subject>

Too funny. I literally just watched your remarks from this morning. Spot on. Thank you!!!

P.S. Zients was definitely reacting to the press reports. Or, should I say, overreacting. My main point to the WH is how can you declare today that regulations written in the 1930's will work fine for 2014 technology **Let Tom do his job and this will be fine.**

E-mail From the FCC's Communications
Director to the FCC Chief of Staff and General
Counsel
November 14, 2014

From: [Shannon Gilson](#)
To: [Ruth Milkman](#); [Jonathan Sallet](#)
Subject: Fw: Washington Post: '.S. CTO on net neutrality critics: 'Are you supposed to argue with physics?' (Scola)
Date: Friday, November 14, 2014 3:28:06 PM

This QA rankles me. Do you take this as twisting the knife. I don't want to overreact but I am ready to log a call.

From: Sharon Hurd <shhurd@fcc.gov>
Sent: Friday, November 14, 2014 2:01 PM
To: Barteas Cox; Eric Feigenbaum; Kim Hart; Lamar Robertson; Mark Wigfield; Meribeth McCarrick; Neil Grace; Rochelle Cohen; Shannon Gilson; Susan Szulman
Subject: Washington Post: '.S. CTO on net neutrality critics: 'Are you supposed to argue with physics?' (Scola)

U.S. CTO on net neutrality critics: 'Are you supposed to argue with physics?'
By Nancy Scola November 14 at 1:35 PM

<http://www.washingtonpost.com/blogs/the-switch/wp/2014/11/14/u-s-cto-on-net-neutrality-critics-are-you-supposed-to-argue-with-physics/>

TIMELINE FOR BACKGROUND

1/14/2014 – U.S. Court of Appeals for the D.C. Circuit strikes down FCC net neutrality rules in its *Verizon v. FCC* decision.

5/15/2014 – FCC approves Notice of Proposed Rulemaking on Open Internet, beginning series of open public comment periods.

6/11/2014 – Chairman Tom Wheeler has a scheduled meeting with WH Council of Economic Advisers Chairman Jason Furman at the White House.

6/18/2014 – Wheeler has scheduled meeting with Zients at the White House.

7/17/2014 – Wheeler has scheduled meeting with Deputy Assistant to the President; Deputy National Security Adviser, International Economics, Caroline Atkinson at the OEOB.

9/11/2014 – Wheeler has scheduled meeting with Zients at the White House.

9/15/2014 – Close of NPRM reply comment period.

9/17/2014 – Wheeler expresses concern at a House Small Business Committee hearing that Title II could disincentivize companies from investing in infrastructure. ([FedScoop.com](#))

9/30/2014 – Wheeler has scheduled meeting with US CTO Megan Smith at the OEOB.

10/15/2014 – Wheeler has scheduled meeting with Furman at the White House.

10/28/2014 – Wheeler has scheduled meeting with Zients at the White House.

10/30/2014 – Wall Street Journal reports that Wheeler leaning toward hybrid approach. ([Wall Street Journal](#))

11/6/2014 – Zients meets with Wheeler at the FCC to inform him that President Obama ready to unveil his vision for regulating high speed internet traffic.

11/7/2014 – Wall Street Journal reports that consideration of the net neutrality rule will be delayed into 2015. ([Wall Street Journal](#))

11/10/2014 – President Obama releases statement and video asking the FCC to adopt the strongest possible net neutrality rules. That morning protestors block Chairman Wheeler's driveway protesting in favor of Title II reclassification.

1/07/2015 – Wheeler indicates that Title II will be the basis of new net neutrality rules in a discussion at the Consumer Electronics Association. ([Ars Technica](#))

2/04/2015 – Wheeler *Wired* op-ed announces proposed rules adopting the President's approach.

2/26/2015 – FCC votes to regulate broadband internet as a public utility under Title II.

3/12/2015 – FCC releases Open Internet Rule to the public.