

Andrea Kearney

From: Carol Simpson
Sent: Friday, March 14, 2014 1:10 PM
To: Open Internet Working Group
Subject: OI Record Summary
Attachments: OI Record Summary 03 13 14.xls

All:

Attached is an Excel document containing links to the filings we've received in the Open Internet docket to date. There are about 20 filings in here, including ex partes and comments filed in response to the public notice (notably, brief supportive filings by Writers Guild of America and ALA/ARL/EDUCAUSE). The list does not include filings categorized in ECFS as "brief filings," of which there are more than 13,000 so far.

Going forward, we'll send out record updates weekly. If you have any questions, please let me know.

Carol

*** Non-Public: For Internal Use Only ***

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(b) (5)

Carol

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Andrea Kearney

From: Renee Moore
Sent: Monday, April 07, 2014 8:08 AM
To: Suzanne Tetreault; Jon Minkoff; Sharon Bowers; Teresa Flasher; Shirl Storm; Kathy Motichka; Christopher Killion; Terry Cavanaugh; Rosemary McEnery; Lisa Saks; Matthew Warner; Kristine Fargotstein; Stephanie Weiner; Elizabeth Anderson; alex.minard [REDACTED] Mark Stone
Cc: Renee Moore
Subject: Broadband Complaints Weekly Report
Attachments: Broadband Complaint Weekly Report.xls

Attached is the weekly broadband complaints report. The data included in this report contains complaints received during the previous week that have been coded as broadband/open internet.

Andrea Kearney

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Sent: Monday, April 07, 2014 8:08 AM
To: Suzanne Tetreault; Jon Minkoff; Sharon Bowers; Teresa Flasher; Shirl Storm; Kathy Motichka; Christopher Killion; Terry Cavanaugh; Rosemary McEnery; Lisa Saks; Matthew Warner; Kristine Fargotstein; Stephanie Weiner; Elizabeth Anderson; alex.minard [REDACTED] Mark Stone
Cc: Renee Moore
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Attached is the weekly broadband complaints report. (b) (5)

Andrea Kearney

From: Linda Oliver
Sent: Monday, April 07, 2014 4:04 PM
To: Stephanie Weiner
Subject: Tim Wu

Stephanie – I overheard Dave Gossett saying Tim Wu is coming in on Wednesday – I assume as one of the scholars on OI – but given what he has written about, do you think it would be OK if I sat in? (Assuming I am right about why he's here). Feel free to let me know if you think that wouldn't be a good idea. Thanks, Linda

*** Non-Public: For Internal Use Only ***

Andrea Kearney

From: Linda Oliver
Sent: Monday, April 07, 2014 4:04 PM
To: Stephanie Weiner
Subject: Tim Wu

(b) (5)



*** Non-Public: For Internal Use Only ***

Andrea Kearney

From: Michael Jacobs
Sent: Wednesday, April 23, 2014 12:45 PM
To: Daniel Alvarez; Rebekah Goodheart; Amy Bender; Priscilla Argeris; Nicholas Degani; Maria Kirby
Cc: WCBFO; Randy Clarke; Vickie Robinson; Rodger Woock; Kalpak Gude; Carol Simpson; Stephanie Weiner; Eric Bash; Brad Currier
Subject: RE: Today's WAM

Advisors, a couple of additions to today's agenda, with special appearance from our friends in EB. First, EB will address a couple of NALs, dealing with Purple Communications and Central Telecom Long Distance. Then we will address the Open Internet NPRM.

Mike Jacobs
WCB/FO

*** Non-Public: For Internal Use Only ***

From: Michael Jacobs
Sent: Wednesday, April 23, 2014 12:17 PM
To: Daniel Alvarez; Rebekah Goodheart; Amy Bender; Priscilla Argeris; Nicholas Degani
Cc: WCBFO; Randy Clarke; Vickie Robinson; Rodger Woock; Kalpak Gude; Carol Simpson; Stephanie Weiner
Subject: Today's WAM

Advisors,

Today's Wireline Advisors Meeting will take place from 1:30-2:30 in Conference Room 1. We will address the forthcoming Open Internet NPRM. For your reference, below is a list of WCB items currently on circulation.

The following WCB items are on circulation. Vote counts are from today. Items marked in **pink** were circulated more than 30 days ago; items marked in **yellow** were circulated more than 60 days ago; and items marked in **red** were circulated more than 90 days ago.

Item	Votes Outstanding	Circulation Date
HALO ICC Waiver Order (CLAS No. 140030)	Clyburn Rosenworcel Pai O'Rielly	03/19/2014
Part 32 NPRM (CLAS No. 140018)	Clyburn Rosenworcel Pai	02/12/2014

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HOGR-01-000552

Andrea Kearney

From: Michael Jacobs
Sent: Wednesday, April 23, 2014 12:45 PM
To: Daniel Alvarez; Rebekah Goodheart; Amy Bender; Priscilla Argeris; Nicholas Degani; Maria Kirby
Cc: WCBFO; Randy Clarke; Vickie Robinson; Rodger Woock; Kalpak Gude; Carol Simpson; Stephanie Weiner; Eric Bash; Brad Currier
Subject: RE: Today's WAM

Non-Responsive

Then we will address the Open Internet NPRM.

Mike Jacobs
WCB/FO

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Non-Responsive

1

O'Reilly

Mike Jacobs
WCB/FO

*** Non-Public: For Internal Use Only ***

Non-Responsive

Mike Jacobs
WCB/FO

*** Non-Public: For Internal Use Only ***

Andrea Kearney

From: Carol Simpson
Sent: Thursday, May 01, 2014 11:54 AM
To: Stephanie Weiner
Subject: FW: Today's mtg

This made me laugh out loud. :}

-----Original Message-----

From: Thomas Spavins
Sent: Thursday, May 01, 2014 11:52 AM
To: Stephanie Weiner; Open Internet Working Group
Subject: RE: Today's mtg

Stephanie: One more meeting before the May 15 vote is nice. However, it should not be a "final" meeting. Most of the heavy lifting for the OI has not yet been done. Tom

-----Original Message-----

From: Stephanie Weiner
Sent: Thursday, May 01, 2014 8:48 AM
To: Open Internet Working Group
Subject: Today's mtg

Sorry for the late cancellation [REDACTED] and Jon, Julie, and Matt all have conflicts.

I know we haven't met in several weeks - so schedules permitting, and for those who wish to, let's plan to have one final meeting next week before the May 15 vote.

Stephanie

Andrea Kearney

From: Carol Simpson
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(b) (5)

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Stephanie

Andrea Kearney

From: Sharina Smith
Sent: Friday, May 02, 2014 5:06 PM
To: Stephanie Weiner
Subject: RE: Meeting next week for Jon and litigators re OI

Sorry...I forgot about you ☺ now added. Thanks

From: Stephanie Weiner
Sent: Friday, May 02, 2014 4:57 PM
To: Sharina Smith
Subject: RE: Meeting next week for Jon and litigators re OI

I may be missing it – but when/where is it? I should be on the scheduler too.

From: Sharina Smith
Sent: Friday, May 02, 2014 4:42 PM
To: Stephanie Weiner
Subject: RE: Meeting next week for Jon and litigators re OI

Now schedule. Thanks

From: Stephanie Weiner
Sent: Friday, May 02, 2014 11:23 AM
To: Sharina Smith
Subject: Meeting next week for Jon and litigators re OI

Can you please schedule this – see below. At least a half hour – but 45 min would be better. Thanks!
Stephanie

From: Stephanie Weiner
Sent: Friday, May 02, 2014 11:22 AM
To: David Gossett; Jacob Lewis; James Carr
Subject: FW: CLAS # 140064: Open Internet 2014 NPRM

Hi all,

Just a head's up - per Jon's request, I am going to ask Sharina to schedule some time for all of us to sit down with him next week and talk through the no-blocking rule in the draft NPRM from a litigation perspective. Attached is the current draft.

Thanks,
Stephanie

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HOG-01-000619

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Thanks,
Stephanie

1

Andrea Kearney

From: Renee Moore [REDACTED]
Sent: Monday, May 05, 2014 8:09 AM
To: Suzanne Tetreault; Jon Minkoff; Sharon Bowers; Teresa Flasher; Shirl Storm; Kathy Motichka; Christopher Killion; Terry Cavanaugh; Rosemary McEnery; Lisa Saks; Matthew Warner; Kristine Fargotstein; Stephanie Weiner; Elizabeth Anderson; alex.minard [REDACTED] Mark Stone
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Andrea Kearney

From: Tasha Kinney
Sent: Monday, May 05, 2014 11:29 AM
To: Gigi Sohn; 'markcooper'; 'brad'; 'amalia'; 'malkia'; 'mchris'
Cc: Sharina Smith; Jonathan Sallet; Stephanie Weiner; Julie Veach
Subject: RE: OI NPRM make-up session

Ok

-----Original Message-----

From: Gigi Sohn
Sent: Monday, May 05, 2014 11:22 AM
To: 'markcooper'; 'brad'; 'amalia'; 'malkia'; 'mchris'
Cc: Tasha Kinney; Sharina Smith; Jonathan Sallet; Stephanie Weiner; Julie Veach
Subject: OI NPRM make-up session

Tasha -

Can you schedule a time for Mark, Brad, Amalia, Malkia and Chris to get on the phone with me, Jon Sallet, Stephanie Weiner and Julie Veach before COB on Thursday? Mark could even come in if he wants. We don't necessarily need all 3 of them (Jon, Steph and Julie), but let's see if we can get at least 2. Thanks! Gigi

Andrea Kearney

From: Tasha Kinney
Sent: Monday, May 05, 2014 11:29 AM
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Andrea Kearney

From: Matthew DelNero
Sent: Tuesday, May 06, 2014 9:46 AM
To: Stephanie Weiner
Subject: FW: Open Internet Meeting w/ Content Companies

So we can pretty much go off the range today. ☺

From: Jonathan Sallet
Sent: Tuesday, May 06, 2014 9:42 AM
To: Julie Veach; Stephanie Weiner
Cc: Matthew DelNero
Subject: Re: Open Internet Meeting w/ Content Companies

And Stephanie for OGC

From: Julie Veach
Sent: Tuesday, May 06, 2014 09:03 AM
To: Stephanie Weiner; Jonathan Sallet
Cc: Matthew DelNero
Subject: RE: Open Internet Meeting w/ Content Companies

Matt's on point for WCB today.

-----Original Appointment-----

From: Tasha Kinney
Sent: Monday, April 28, 2014 11:21 AM
To: Tasha Kinney; Gigi Sohn; Sara Morris; Jonathan Sallet; Shannon Gilson; Matthew DelNero; Stephanie Weiner; Julie Veach; Daniel Alvarez; Diane Cornell; Sagar Doshi; Roger Sherman; Nese Guendelsberger
Subject: Open Internet Meeting w/ Content Companies
When: Tuesday, May 06, 2014 3:30 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference Room #5

Andrea Kearney

From: Matthew DelNero
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To: Stephanie Weiner
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(b) (5)

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Cc: Matthew DelNero
Subject: Re: Open Internet Meeting w/ Content Companies

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Andrea Kearney

From: Matthew DelNero
Sent: Wednesday, May 07, 2014 5:28 PM
To: Stephanie Weiner
Subject: FW: Commissioner Rosenworcel Remarks, COSLA Meeting

From: Gigi Sohn
Sent: Wednesday, May 07, 2014 5:07 PM
To: Matthew DelNero
Subject: Fw: Commissioner Rosenworcel Remarks, COSLA Meeting

From: Shannon Gilson
Sent: Wednesday, May 07, 2014 03:56 PM
To: Meribeth McCarrick; Daniel Alvarez; Deborah Ridley; Diane Cornell; Gigi Sohn; Jon Wilkins; Jonathan Sallet; Maria Kirby; Mark Wigfield; Neil Grace; Philip Verveer; Renee Gregory; Ruth Milkman; Sagar Doshi; Sara Morris; (TV)
Subject: RE: Commissioner Rosenworcel Remarks, COSLA Meeting

I want to end by briefly talking about something else that is before the FCC—network neutrality. Network neutrality is the principle that consumers can go where they want and do what they want on the Internet, without interference from their broadband provider. The American Library Association and the library community have long been champions of network neutrality and an open Internet. Libraries, of course, know that an open Internet is important for free speech, access to information, and economic growth. I also support an open Internet. So I have real concerns about FCC Chairman Wheeler's proposal on network neutrality—which is before the agency right now.

To his credit, he has acknowledged that all options are on the table. This includes discussion about what a "commercially reasonable" Internet fast lane looks like. While I do not know now where this conversation will head on a substantive basis, I can tell you right now I have real concerns about process.

His proposal has unleashed a torrent of public response. Tens of thousands of e-mails, hundreds of calls, commentary all across the Internet. We need to respect that input and we need time for that input. So while I recognize the urgency to move ahead and develop rules with dispatch, I think the greater urgency comes in giving the American public opportunity to speak right now, before we head down this road.

For this reason, I think we should delay our consideration of his rules by a least a month. I believe that rushing headlong into a rulemaking next week fails to respect the public response to his proposal.

At a minimum, I think we need to recognize this is not business as usual. Starting tomorrow, the Sunshine Period kicks in in our deliberations. That means we no longer accept public comment. I think it's a mistake to cut off public debate right now as we head into consideration of the Chairman's proposal. So again, at a minimum, we should delay the onset of our Sunshine rules.

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Andrea Kearney

From: Katura Jackson
Sent: Monday, May 12, 2014 12:11 PM
To: Matthew DelNero; Michael Jacobs; Randy Clarke; Carol Simpson; Kristine Fargotstein; Jonathan Sallet; Stephanie Weiner; Paul D'Ar; Bill Stafford; Brenda Boykin; Sue McNeil; Roger Sherman; Julius Knapp; William Lake; Mindel DeLaTorre; Jim Schlichting; Michael Janson; Joel Taubenblatt; Catherine Matraves
Cc: OS Release Group; Meribeth McCarrick
Subject: Commission Open Meeting, May 15, 2014

Information Specialist contact, FCC Nos. and Docket Nos. assigned for the following items:

1. Aleta Bowers – Protecting and Promoting the Open Internet (Clas No. 140064; FCC No. 14-61; Docket No. 14-71)
2. Sandy Daly – Revisions to Rules Authorizing the Operation of Low Power Auxiliary Station in the 698-806 MHz Band. (Clas No. 140060; FCC No. 14-62)
3. Katura Jackson – Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions. (Clas No. 140057; FCC No. 14-50)
4. Gloria Miles – Policies Regarding Mobile Spectrum Holdings (Clas No. 140062; FCC No. 14-63)

Katura Jackson
FCC/OMB/OS
Information Specialist

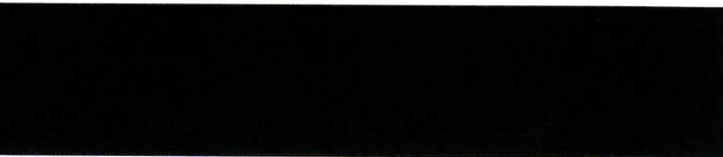


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Katura Jackson
FCC/OMB/OS
Information Specialist



Andrea Kearney

From: Matthew DelNero
Sent: Wednesday, May 14, 2014 3:17 PM
To: Carol Simpson; Stephanie Weiner
Subject: RE: NAAG Spring Consumer Protection Conference May 20

Thanks! This is very helpful. If you have any other existing presentations O/I generally (what it means, why it's important), I'd welcome those too.

Matt

From: Carol Simpson
Sent: Wednesday, May 14, 2014 11:35 AM
To: Matthew DelNero; Stephanie Weiner
Subject: RE: NAAG Spring Consumer Protection Conference May 20

Yes indeed! Kristine and I used the attached deck for that presentation to French regulators on April 29.

From: Matthew DelNero
Sent: Wednesday, May 14, 2014 11:32 AM
To: Carol Simpson; Stephanie Weiner
Subject: FW: NAAG Spring Consumer Protection Conference May 20

Hi Carol and Stephanie --

Would either of you by any chance have existing slides on Open Internet that I might be able to use as a starting point for this presentation to NAAG staff on Monday?

Thanks,
Matt

From: Emmitt Carlton
Sent: Thursday, May 01, 2014 12:51 PM
To: Stephanie Weiner
Cc: Gregory Vadas; Matthew DelNero
Subject: Re: NAAG Spring Consumer Protection Conference May 20

Fantastic! Thanks Stephanie! (NAAG has considered inviting the FCC for years and finally invited us this year).

I will have NAAG staff call him tomorrow or email him. What's his phone number?

From: Stephanie Weiner
Sent: Thursday, May 01, 2014 12:00 PM
To: Emmitt Carlton
Cc: Gregory Vadas; Matthew DelNero

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HOG-01-001122

Andrea Kearney

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Subject: RE: NAAG Spring Consumer Protection Conference May 20

(b) (5)

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Cc: Gregory Vadas; Matthew DelNero

1

Andrea Kearney

From: Jonathan Sallet
Sent: Monday, February 24, 2014 10:22 AM
To: Neil Grace; Mark Wigfield; Ruth Milkman; Shannon Gilson
Cc: Stephanie Weiner
Subject: Re: comcast/netflix

We shouldn't comment.

From: Neil Grace
Sent: Monday, February 24, 2014 10:20 AM
To: Jonathan Sallet; Mark Wigfield; Ruth Milkman; Shannon Gilson
Cc: Stephanie Weiner
Subject: RE: comcast/netflix

Katie Bachman at AdWeek is asking for guidance. I can turn down comment, but she asks will the FCC have any review/involvement in this deal other than through its review of the Comcast-TWC merger?

Neil Derek Grace
Senior Communications Advisor
Federal Communications Commission

From: Jonathan Sallet
Sent: Sunday, February 23, 2014 9:42 PM
To: Mark Wigfield; Ruth Milkman; Shannon Gilson
Cc: Neil Grace; Stephanie Weiner
Subject: Re: comcast/netflix

That's the right answer....we should avoid comment.

From: Mark Wigfield
Sent: Sunday, February 23, 2014 08:16 PM
To: Ruth Milkman; Jonathan Sallet; Shannon Gilson
Cc: Neil Grace; Stephanie Weiner
Subject: Re: comcast/netflix

For now, will tell him can't help him. I will be in flight shortly for 2 hours so will be signing off

Sent from my BlackBerry Wireless Handheld

From: Mark Wigfield
Sent: Sunday, February 23, 2014 08:04 PM Eastern Standard Time
To: Ruth Milkman; Jonathan Sallet; Shannon Gilson
Cc: Neil Grace; Stephanie Weiner
Subject: Re: comcast/netflix

1

HQGR-OI-001134

Andrea Kearney

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1

He seems to be asking about more than what the OI order says; he is asking for us to categorize the arrangement. But the arrangement isn't clear to me. Here is his question again:

His question again:

Is this type of agreement, where Netflix pays Comcast for direct connection to Comcast servers, one that would fall under the "paid prioritization" or the "paid peering" arrangements discussed in the Open Internet Order? The former, of course, would be a violation of those rules (which obviously have been struck down) and the latter wouldn't. Thanks, Ed.
O

Sent from my BlackBerry Wireless Handheld

From: Ruth Milkman
Sent: Sunday, February 23, 2014 07:58 PM Eastern Standard Time
To: Mark Wigfield; Jonathan Sallet; Shannon Gilson
Cc: Neil Grace; Stephanie Weiner
Subject: Re: comcast/netflix

Mark makes a good point. If Ed wanted to know whether peering is covered by previous OI order, should we answer that? Or say nothing until we learn more and maybe not even then?

Ruth Milkman
Chief of Staff
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554
[REDACTED]

From: Mark Wigfield
Sent: Sunday, February 23, 2014 07:54 PM Eastern Standard Time
To: Jonathan Sallet; Shannon Gilson
Cc: Neil Grace; Stephanie Weiner; Ruth Milkman
Subject: Re: comcast/netflix

He is probably looking for guidance more than a comment but nevertheless seems perilous to even offer that. It's not clear to me from reading the story what's going on

Sent from my BlackBerry Wireless Handheld

From: Jonathan Sallet
Sent: Sunday, February 23, 2014 03:57 PM Eastern Standard Time
To: Shannon Gilson
Cc: Mark Wigfield; Neil Grace; Stephanie Weiner; Ruth Milkman
Subject: RE: comcast/netflix

(b) (5)



Sent from my BlackBerry Wireless Handheld

From: Ruth Milkman
Sent: Sunday, February 23, 2014 07:58 PM Eastern Standard Time
To: Mark Wigfield; Jonathan Sallet; Shannon Gilson
Cc: Neil Grace; Stephanie Weiner
Subject: Re: comcast/netflix

(b) (5)



Ruth Milkman
Chief of Staff
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554
[REDACTED]

From: Mark Wigfield
Sent: Sunday, February 23, 2014 07:54 PM Eastern Standard Time
To: Jonathan Sallet; Shannon Gilson
Cc: Neil Grace; Stephanie Weiner; Ruth Milkman
Subject: Re: comcast/netflix

(b) (5)



Sent from my BlackBerry Wireless Handheld

From: Jonathan Sallet
Sent: Sunday, February 23, 2014 03:57 PM Eastern Standard Time
To: Shannon Gilson
Cc: Mark Wigfield; Neil Grace; Stephanie Weiner; Ruth Milkman
Subject: RE: comcast/netflix

I think we should decline comment.

-----Original Message-----

From: Jon Sallet [REDACTED]
Sent: Sunday, February 23, 2014 03:57 PM Eastern Standard Time
To: Shannon Gilson
Cc: Mark Wigfield; Neil Grace; Stephanie Weiner; Ruth Milkman; Jonathan Sallet
Subject: Re: comcast/netflix

This is my personal email.....can you delete the address?

On Feb 23, 2014, at 3:50 PM, Shannon Gilson <[REDACTED]> wrote:

FYI. I assume we can't/don't want to say much here.

From: Wyatt, Ed [REDACTED]
Sent: Sunday, February 23, 2014 03:21 PM
To: Shannon Gilson
Subject: comcast/netflix

Shannon -- can you give me a call at [REDACTED] have some background questions about the Comcast Netflix deal and its relationship to Net Neutrality. Thanks, Ed

--
Edward Wyatt
The New York Times
Washington Bureau
[REDACTED]

(b) (5)

-----Original Message-----

From: Jon Sallet [REDACTED]
Sent: Sunday, February 23, 2014 03:57 PM Eastern Standard Time
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Cc: Mark Wigfield; Neil Grace; Stephanie Weiner; Ruth Milkman; Jonathan Sallet
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(b) (5)

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(b) (5)

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Edward Wyatt
The New York Times
Washington Bureau
[REDACTED]

Andrea Kearney

From: Stephanie Weiner
Sent: Monday, February 24, 2014 12:31 PM
To: Patrick Halley
Subject: RE: NACo 2014Conference - Request for Speakers IP Transition & Open Internet

Perfect. I will tell Greg.

Yes - just what the Chairman has in statement. I will send you some TPs.

From: Patrick Halley
Sent: Monday, February 24, 2014 12:28 PM
To: Stephanie Weiner
Subject: RE: NACo 2014Conference - Request for Speakers IP Transition & Open Internet

If you can send me a few TPs and then we could talk that would be great. I won't say anything beyond the Chairman's statement really, unless you specifically tell me to. Thx.

From: Stephanie Weiner
Sent: Monday, February 24, 2014 12:15 PM
To: Patrick Halley
Subject: FW: NACo 2014Conference - Request for Speakers IP Transition & Open Internet

Hi Patrick,

No one from OGC can make this. I spoke with Jon about it and we were hoping that you might be willing to do double duty and talk about the OI stuff too? I'd be happy to chat this week in case you want a crash course. Or I can do TPs for you :). . . .

Stephanie

From: Gregory Vadas
Sent: Friday, February 21, 2014 11:12 AM
To: Stephanie Weiner
Cc: Mark Stone
Subject: RE: NACo 2014Conference - Request for Speakers IP Transition & Open Internet

Stephanie, Please let me know the status of this. On the 10th you said you would check. Thanks, Greg

From: Gregory Vadas
Sent: Tuesday, February 18, 2014 11:49 AM
To: Stephanie Weiner
Cc: Mark Stone
Subject: RE: NACo 2014Conference - Request for Speakers IP Transition & Open Internet

Stephanie, Can anyone speak on Open Internet? If not I will let NACo know. Thx, Greg

*** Non-Public: For Internal Use Only ***

Gregory R. Vadas

1

HOCR-OI-001137

Andrea Kearney

From: Stephanie Weiner
Sent: Monday, February 24, 2014 12:31 PM
To: Patrick Halley
Subject: RE: NACo 2014Conference - Request for Speakers IP Transition & Open Internet

(b) (5)

From: Patrick Halley
Sent: Monday, February 24, 2014 12:28 PM
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Subject: RE: NACo 2014Conference - Request for Speakers IP Transition & Open Internet

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*** Non-Public: For Internal Use Only ***

Gregory R. Vadas

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Andrea Kearney

From: Mark Wigfield
Sent: Tuesday, April 01, 2014 12:07 PM
To: Jonathan Sallet; Matthew DelNero; Stephanie Weiner; Shannon Gilson; Patrick Halley
Cc: Julie Veach
Subject: RE: Press question on Feld blog

OK, sounds good.

From: Jonathan Sallet
Sent: Tuesday, April 01, 2014 12:06 PM
To: Matthew DelNero; Mark Wigfield; Stephanie Weiner; Shannon Gilson; Patrick Halley
Cc: Julie Veach
Subject: RE: Press question on Feld blog

I agree with Matt.

From: Matthew DelNero
Sent: Tuesday, April 01, 2014 12:04 PM
To: Mark Wigfield; Stephanie Weiner; Jonathan Sallet; Shannon Gilson; Patrick Halley
Cc: Julie Veach
Subject: RE: Press question on Feld blog

Mark,

Thanks for flagging this. My main concern informing how we answer the IDG reporter's question is that (as you note) Harold's blog post questions the validity of both existing and future regulations in the wake of the *Verizon* decision – for example, Harold questions whether *existing* decisions like ICC reform and rural call completion can continue to apply to interconnected VoIP. With that in mind, I wonder if answering with a reference to the experiments and forward-looking policy decisions could be misread (or misused) as acquiescence on the backwards-looking assertions. Subject to OGC's views, my advice would be to refer the reporter to one of the Chairman's statements about the breadth of our jurisdiction. I think this one from his [Silicon Flatirons speech](#) would work:

"Bigger picture, the FCC has the authority it needs to provide what the public needs – open, competitive, safe, and accessible broadband networks. Indeed, that we have authority is well-settled. What remains open is not jurisdiction, but rather the best path to securing the public interest. Those are the challenges that the FCC will confront with the Open Internet, the IP transitions, the Incentive Auction, and other issues."

Best wishes,
Matt

From: Mark Wigfield
Sent: Tuesday, April 01, 2014 11:31 AM
To: Stephanie Weiner; Matthew DelNero; Jonathan Sallet; Shannon Gilson; Patrick Halley
Subject: Press question on Feld blog

A reporter is writing about Harold Feld's blog (link below) arguing that he DC Circuit's OI decision had some bad news for our ability to require IP interconnection, require rural call completion, and even continue winding down intercarrier comp as networks transition to IP.

Andrea Kearney

From: Mark Wigfield
Sent: Tuesday, April 01, 2014 12:07 PM
To: Jonathan Sallet; Matthew DelNero; Stephanie Weiner; Shannon Gilson; Patrick Halley
Cc: Julie Veach
Subject: RE: Press question on Feld blog

(b) (5)

From: Jonathan Sallet
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(b) (5)

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To: Mark Wigfield; Stephanie Weiner; Jonathan Sallet; Shannon Gilson; Patrick Halley
Cc: Julie Veach
Subject: RE: Press question on Feld blog

(b) (5)

From: Mark Wigfield
Sent: Tuesday, April 01, 2014 11:31 AM
To: Stephanie Weiner; Matthew DelNero; Jonathan Sallet; Shannon Gilson; Patrick Halley
Subject: Press question on Feld blog

(b) (5)

I think the answer at this stage may simply be that we are gathering facts and data from our experiments which we will use to address the regulatory issues that may confront us as we seek to preserve enduring network values.

However, just checking if you have a more fundamental issue with Harold's blog. Something that I wonder about is that since the OI order pertained to broadband Internet access service, I'm not sure you can necessarily make the jump he's making regarding our ability to regulate phone service.

From: grant_gross [REDACTED]
Sent: Tuesday, April 01, 2014 9:09 AM
To: Mark Wigfield
Subject: Re: My question about the IP transition

I'm following up on the IP transition and the connection to the court's net neutrality ruling. Some people are worried that the court's recent decision on net neutrality could have an effect on the IP transition and the FCC's ability to enforce common carrier rules.

Harold Feld's blog post explains it pretty well: <http://www.publicknowledge.org/news-blog/blogs/the-net-neutrality-decision-and-the-ip-transition-what-happens-when-you-ca>

Do you guys have the same concerns?

Thanks

Grant

Grant Gross
Washington correspondent
IDG News Service
[REDACTED]

IDG News Service serves as a wire service for PC World, Computerworld, Macworld, InfoWorld, Network World, CIO, and hundreds of other technology-related magazines and websites worldwide. IDG publications reach more than 100 million readers a month, the largest tech audience in the world.

(b) (5)

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Do you guys have the same concerns?

Thanks

Grant

Grant Gross
Washington correspondent
IDG News Service
[REDACTED]

IDG News Service serves as a wire service for PC World, Computerworld, Macworld, InfoWorld, Network World, CIO, and hundreds of other technology-related magazines and websites worldwide. IDG publications reach more than 100 million readers a month, the largest tech audience in the world.

Andrea Kearney

From: Mark Wigfield
Sent: Tuesday, April 01, 2014 4:19 PM
To: Jonathan Sallet; Philip Verveer; Stephanie Weiner; Neil Grace; Shannon Gilson; Matthew DelNero
Subject: RE: Comm Daily on peering

Let me take a look

From: Jonathan Sallet
Sent: Tuesday, April 01, 2014 4:18 PM
To: Mark Wigfield; Philip Verveer; Stephanie Weiner; Neil Grace; Shannon Gilson; Matthew DelNero
Subject: Re: Comm Daily on peering

Correct but you can point them to the Cogent and Netflix comments filed in the remand docket unless you think that will confuse them.

From: Mark Wigfield
Sent: Tuesday, April 01, 2014 04:15 PM
To: Jonathan Sallet; Philip Verveer; Stephanie Weiner; Neil Grace; Shannon Gilson; Matthew DelNero
Subject: Comm Daily on peering

Comm Daily asks in what other contexts are we monitoring peering. I'm assuming we're not going to elaborate on that and will decline to do so unless you have other thoughts about it.

From: Schwartz, Matthew [REDACTED]
Sent: Tuesday, April 01, 2014 4:09 PM
To: Mark Wigfield; Neil Grace
Subject: RE: Peering / interconnection regulation DEFINITELY not going to be considered?

Mark -- In what "other contexts" might the FCC monitor interconnection agreements? Are you referring to the open Title II docket? Something else?

--
Matthew S. Schwartz
Communications Daily
Wireline Editor
[REDACTED]

-----Original Message-----
From: Mark Wigfield [REDACTED]
Sent: Tue 4/1/2014 2:05 PM
To: Schwartz, Matthew; Neil Grace
Subject: RE: Peering / interconnection regulation DEFINITELY not going to be considered?

That's fine, you can attribute to an FCC spokesman. However, it was not intended as a direct quote, either here or in the other story

From: Schwartz, Matthew [REDACTED]
Sent: Tuesday, April 01, 2014 2:04 PM
To: Mark Wigfield; Neil Grace

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HOG-01-001143

Andrea Kearney

From: Mark Wigfield
Sent: Tuesday, April 01, 2014 4:19 PM
To: Jonathan Sallet; Philip Verveer; Stephanie Weiner; Neil Grace; Shannon Gilson; Matthew DelNero
Subject: RE: Comm Daily on peering

(b) (5)

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(b) (5)

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1

Andrea Kearney

From: Mark Wigfield
Sent: Tuesday, April 01, 2014 5:12 PM
To: Jonathan Sallet; Philip Verveer; Stephanie Weiner; Neil Grace; Shannon Gilson; Matthew DelNero
Subject: RE: Comm Daily on peering

Got it, thanks

From: Jonathan Sallet
Sent: Tuesday, April 01, 2014 5:01 PM
To: Mark Wigfield; Philip Verveer; Stephanie Weiner; Neil Grace; Shannon Gilson; Matthew DelNero
Subject: Re: Comm Daily on peering

Just that we're listening to people describe real-world experiences

From: Mark Wigfield
Sent: Tuesday, April 01, 2014 04:32 PM
To: Jonathan Sallet; Philip Verveer; Stephanie Weiner; Neil Grace; Shannon Gilson; Matthew DelNero
Subject: RE: Comm Daily on peering

By my quick read, Cogent would send him to Title II or the OI proceedings, and Netflix would send him to OI. So yes, he would be confused. When you have a minute, I'd like to know more about what message could be taken from those comments that would further elucidate our clarification...

From: Jonathan Sallet
Sent: Tuesday, April 01, 2014 4:18 PM
To: Mark Wigfield; Philip Verveer; Stephanie Weiner; Neil Grace; Shannon Gilson; Matthew DelNero
Subject: Re: Comm Daily on peering

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To: Mark Wigfield; Neil Grace
Subject: RE: Peering / interconnection regulation DEFINITELY not going to be considered?

Mark -- In what "other contexts" might the FCC monitor interconnection agreements? Are you referring to the open Title II docket? Something else?

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HOG-01-001145

Andrea Kearney

From: Mark Wigfield
Sent: Tuesday, April 01, 2014 5:12 PM
To: Jonathan Sallet; Philip Verveer; Stephanie Weiner; Neil Grace; Shannon Gilson; Matthew DelNero
Subject: RE: Comm Daily on peering

(b) (5)

From: Jonathan Sallet
Sent: Tuesday, April 01, 2014 5:01 PM
To: Mark Wigfield; Philip Verveer; Stephanie Weiner; Neil Grace; Shannon Gilson; Matthew DelNero
Subject: Re: Comm Daily on peering

(b) (5)

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1

Andrea Kearney

From: Thomas Spavins
Sent: Friday, April 04, 2014 9:54 AM
To: Tim Brennan; Stephanie Weiner
Cc: Open Internet Working Group
Subject: RE: Internet giants celebrate net neutrality bill passing - Competition Policy International (CPI)

This is a major deal. Thank you very much. I have to study the details. I knew it was pending, but the discussion was fluid. I deliberately delayed supplying my promised section to Stephanie as I felt I wanted to mention this development. The roaming thing is an even bigger deal. The European wireless carriers have big problems. (Which they would not have had they adopted US style one sided pricing in the first place. Maybe I should give a seminar on the topic it is of general interest. Scott Marcus gave one in April 2012, but we can have another. Tom

-----Original Message-----

From: Tim Brennan
Sent: Friday, April 04, 2014 9:47 AM
To: Stephanie Weiner; Thomas Spavins
Subject: FW: Internet giants celebrate net neutrality bill passing - Competition Policy International (CPI)

For whatever this may be worth. - Tim

From: [brennan](#)
Sent: Friday, April 04, 2014 7:31 AM
To: Tim Brennan
Subject: EU: Internet giants celebrate net neutrality bill passing - Competition Policy International (CPI)

https://www.competitionpolicyinternational.com/eu-internet-giants-celebrate-net-neutrality-bill-passing?utm_source=April+4%2C+2014&utm_campaign=April+30%2C+2013&utm_medium=email

Sent from the last of the BlackBerrys®

Andrea Kearney

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Sent from the last of the BlackBerrys®

Andrea Kearney

From: Thomas Spavins
Sent: Wednesday, April 09, 2014 5:21 PM
To: Open Internet Working Group
Subject: Broad Guage Cost Estimates
Attachments: marcus-interconnect.pptx; Notes on Interconnection.docx

Friends:

At the Thursday meeting two weeks ago I made some comments about the cost of interconnection. The first attachments is a copy of the slides from a talk delivered by former FCC Chief Technologist Scott Marcus on April 3, 2012. They are downloaded from the OSP seminars page. The last twenty or so papers are most relevant to the cost issue. The first part of the slides are also of general interest in that it shows the very serious problems European mobile users suffer because they did not adopt a US style mobile interconnection regime. It is a little off topic but I view it as a great exemplar of the dangers of departing from "Internet Style" inter-connection.

The second hand out is some simple illustrations of my calculations of the cost of internet traffic, and the consequences of the rapid fall in internet pricing. It is startling but true that on average using Cogent rough numbers internet traffic which cost \$ 1.00 when Chairman Powell gave his speech in 2004, costs today about .081. That traffic will cost about .018 in 2020 when the Supreme Court affirms our open Internet order. My back of the envelope is that the transport costs for a typical 18 Giga Byte per month user is about \$.81 per month.

I will revise and recirculate when Tim, Henning, Bob, Alison and a host of others correct my errors.

Andrea Kearney

From: Thomas Spavins
Sent: Wednesday, April 09, 2014 5:21 PM
To: Open Internet Working Group
Subject: Broad Guage Cost Estimates
Attachments: marcus-interconnect.pptx; Notes on Interconnection.docx

(b) (5)



Andrea Kearney

From: Julie Veach
Sent: Thursday, April 24, 2014 9:38 AM
To: Sara Morris; Jonathan Sallet; David Toomey; Stephanie Weiner; Philip Verveer; Daniel Alvarez; Matthew DelNero; OLA Shared Calendar
Subject: RE: OI Call--Sen. Markey's staff

I think a brief discussion after 12:00 and before any remaining Hill calls would be a good idea.

From: Sara Morris
Sent: Thursday, April 24, 2014 9:19 AM
To: Jonathan Sallet; Julie Veach; David Toomey; Stephanie Weiner; Philip Verveer; Daniel Alvarez; Matthew DelNero; OLA Shared Calendar
Subject: RE: OI Call--Sen. Markey's staff

We can defer to this afternoon. It's important we talk to him sooner rather than later, though. Markey is going to be key. David Grossman (Eshoo) and Kenneth DeGraff (Pelosi) - scheduled for 12:30) also are important.

Are we meeting to discuss messaging? I have some thoughts on simplifying.

From: Jonathan Sallet
Sent: Thursday, April 24, 2014 9:15 AM
To: Julie Veach; David Toomey; Stephanie Weiner; Philip Verveer; Daniel Alvarez; Matthew DelNero; Sara Morris; OLA Shared Calendar
Subject: Re: OI Call--Sen. Markey's staff

I'm not going to be able to make it. Honestly, it would be good if it were cancelled.

From: Julie Veach
Sent: Thursday, April 24, 2014 09:11 AM
To: David Toomey; Jonathan Sallet; Stephanie Weiner; Philip Verveer; Daniel Alvarez; Matthew DelNero; Sara Morris; OLA Shared Calendar
Subject: RE: OI Call--Sen. Markey's staff

How about we chat for a few minutes before this call to make sure we are all on the same page in light of developments?

-----Original Appointment-----

From: David Toomey
Sent: Tuesday, April 22, 2014 5:11 PM
To: David Toomey; Jonathan Sallet; Stephanie Weiner; Julie Veach; Philip Verveer; Daniel Alvarez; Matthew DelNero; Sara Morris; OLA Shared Calendar
Subject: OI Call--Sen. Markey's staff
When: Thursday, April 24, 2014 9:30 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: TBD

HOCR-OI-001263

Andrea Kearney

From: Julie Veach
Sent: Thursday, April 24, 2014 9:38 AM
To: Sara Morris; Jonathan Sallet; David Toomey; Stephanie Weiner; Philip Verveer; Daniel Alvarez; Matthew DelNero; OLA Shared Calendar
Subject: RE: OI Call--Sen. Markey's staff

(b) (5)

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Sent: Thursday, April 24, 2014 9:19 AM
To: Jonathan Sallet; Julie Veach; David Toomey; Stephanie Weiner; Philip Verveer; Daniel Alvarez; Matthew DelNero; OLA Shared Calendar
Subject: RE: OI Call--Sen. Markey's staff

(b) (5)

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(b) (5)

-----Original Appointment-----

From: David Toomey
Sent: Tuesday, April 22, 2014 5:11 PM
To: David Toomey; Jonathan Sallet; Stephanie Weiner; Julie Veach; Philip Verveer; Daniel Alvarez; Matthew DelNero; Sara Morris; OLA Shared Calendar
Subject: OI Call--Sen. Markey's staff
When: Thursday, April 24, 2014 9:30 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: TBD

1

The commission has decided for now against reclassifying broadband as a public utility, which would subject ISPs to much greater regulation. However, the commission has left the reclassification option on the table at present.

—Shalini Ramachandran, Shira Ovide, Drew FitzGerald and Rolfe Winkler contributed to this article

From: Mark Wigfield
Sent: Thursday, April 24, 2014 9:47 AM
To: Matthew DelNero; Shannon Gilson; Philip Verveer; Stephanie Weiner; Jonathan Sallet; Neil Grace; Julie Veach; Ruth Milkman
Subject: RE: possible press questions

Thanks. There is some overlap in the questions, so feel free to use same answer for some if it applies.

From: Matthew DelNero
Sent: Thursday, April 24, 2014 9:45 AM
To: Mark Wigfield; Shannon Gilson; Philip Verveer; Stephanie Weiner; Jonathan Sallet; Neil Grace; Julie Veach; Ruth Milkman
Subject: RE: possible press questions

I'm happy to put together some bullet points w/ draft answers. Will send those around asap.

From: Mark Wigfield
Sent: Thursday, April 24, 2014 9:37 AM
To: Shannon Gilson; Philip Verveer; Matthew DelNero; Stephanie Weiner; Jonathan Sallet; Neil Grace; Julie Veach; Ruth Milkman
Subject: possible press questions

Here are what we think will be some of the press questions at the 11 a.m. call. Who is available to provide some answers?

Possible press questions

1. You called the Times story "flat-out wrong." What about the Journal story?
2. So would your proposed rules allow broadband providers to charge for priority service or "fast lanes"?
3. What is an example of a commercially reasonable practice, and a commercially unreasonable one?
4. How are the proposed rules different from the 2010 rules?
5. If a practice is commercially reasonable, what guarantee is it that it is reasonable for consumers or competition or start-ups and edge providers?

The commission has decided for now against reclassifying broadband as a public utility, which would subject ISPs to much greater regulation. However, the commission has left the reclassification option on the table at present.

—Shalini Ramachandran, Shira Ovide, Drew FitzGerald and Rolfe Winkler contributed to this article

From: Mark Wigfield
Sent: Thursday, April 24, 2014 9:47 AM
To: Matthew DelNero; Shannon Gilson; Philip Verveer; Stephanie Weiner; Jonathan Sallet; Neil Grace; Julie Veach; Ruth Milkman
Subject: RE: possible press questions

(b) (5)

From: Matthew DelNero
Sent: Thursday, April 24, 2014 9:45 AM
To: Mark Wigfield; Shannon Gilson; Philip Verveer; Stephanie Weiner; Jonathan Sallet; Neil Grace; Julie Veach; Ruth Milkman
Subject: RE: possible press questions

(b) (5)

From: Mark Wigfield
Sent: Thursday, April 24, 2014 9:37 AM
To: Shannon Gilson; Philip Verveer; Matthew DelNero; Stephanie Weiner; Jonathan Sallet; Neil Grace; Julie Veach; Ruth Milkman
Subject: possible press questions

(b) (5)

(b) (5)

6. What are the standards for judging whether paying for priority service is commercially reasonable?
7. Will the standard for judging commercial reasonableness include examining the impact on consumer pricing for edge services?
8. Will broadband providers need to seek approval for fast-lane traffic? Or will the FCC just investigate complaints?
9. How can the FCC act quickly enough on complaints to help start-up edge providers?
10. How will you enforce the rules?
11. Would the FCC be able to regulate a price or order pricing adjustments as a result of its investigations of commercial reasonableness?
12. What companies have asked for the "commercially reasonable" policy? Is this something the cable industry suggested to Chairman Wheeler?
13. Have any edge providers endorsed this policy?
14. Does that name change indicate a shift in the FCC's view about the neutrality of broadband providers selling fast-lane service by edge providers, a shift in favor of the broadband provider?
15. Does a rule requiring commercial reasonableness have the same effect as one barring unreasonable discrimination?
16. Why is unreasonable discrimination less legally sustainable than commercially reasonable?
17. What can consumers do? Is there a comment period or a chance to actually effect change? What then, would be that process?

HOGR-OI-001271

(b) (5)



Andrea Kearney

From: Matthew DelNero
Sent: Thursday, April 24, 2014 10:27 AM
To: Mark Wigfield; Shannon Gilson; Philip Verveer; Stephanie Weiner; Jonathan Sallet; Neil Grace; Julie Veach; Ruth Milkman
Subject: RE: possible press questions
Attachments: possible press questions on OI changes - msd.docx

I've attached some draft answers for you all to consider and will bring 10 copies of these up to Jon's office now.

Matt

From: Mark Wigfield
Sent: Thursday, April 24, 2014 10:13 AM
To: Matthew DelNero; Shannon Gilson; Philip Verveer; Stephanie Weiner; Jonathan Sallet; Neil Grace; Julie Veach; Ruth Milkman
Subject: RE: possible press questions

Here is the full text of the WSJ article that sparked the torrent

Technology
FCC to Propose New 'Net Neutrality' Rules
Proposal Would Allow Broadband Providers to Give Preferential Treatment to Some Traffic
By
Gautham Nagesh
Updated April 23, 2014 9:14 p.m. ET

The FCC plans to significantly increase the disclosure requirements for broadband providers. Getty Images

WASHINGTON—Regulators are proposing new rules on Internet traffic that would allow broadband providers to charge companies a premium for access to their fastest lanes.

The Federal Communications Commission plans to put forth its rules on Thursday. The proposal marks the FCC's third attempt at enforcing "net neutrality"—the concept that all Internet traffic should be treated equally.

Developed by FCC Chairman Tom Wheeler, the proposal is an effort to prevent broadband Internet providers such as Comcast Corp., Verizon Communications Inc., and Time Warner Cable from blocking or slowing down individual websites served up to the consumer. The idea is that consumers should be able to access whatever content they choose, not the content chosen by the broadband provider.

But it would also allow providers to give preferential treatment to traffic from some content providers, as long as such arrangements are available on "commercially reasonable" terms for all interested content companies. Whether the terms are commercially reasonable would be decided by the FCC on a case-by-case basis.

This latest plan is likely to be viewed as an effort to find a middle ground, as the FCC has been caught between its promise to keep the Internet open and broadband providers' desire to explore new business models in a fast-changing

1

HOGR-OI-001272

Andrea Kearney

From: Matthew DelNero
Sent: Thursday, April 24, 2014 10:27 AM
To: Mark Wigfield; Shannon Gilson; Philip Verveer; Stephanie Weiner; Jonathan Sallet; Neil Grace; Julie Veach; Ruth Milkman
Subject: RE: possible press questions
Attachments: possible press questions on OI changes - msd.docx

(b) (6)

From: Mark Wigfield
Sent: Thursday, April 24, 2014 10:13 AM
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This latest plan is likely to be viewed as an effort to find a middle ground, as the FCC has been caught between its promise to keep the Internet open and broadband providers' desire to explore new business models in a fast-changing

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From: Mark Wigfield
Sent: Thursday, April 24, 2014 9:47 AM
To: Matthew DelNero; Shannon Gilson; Philip Verveer; Stephanie Weiner; Jonathan Sallet; Neil Grace; Julie Veach; Ruth Milkman
Subject: RE: possible press questions

Thanks. There is some overlap in the questions, so feel free to use same answer for some if it applies.

From: Matthew DelNero
Sent: Thursday, April 24, 2014 9:45 AM
To: Mark Wigfield; Shannon Gilson; Philip Verveer; Stephanie Weiner; Jonathan Sallet; Neil Grace; Julie Veach; Ruth Milkman
Subject: RE: possible press questions

I'm happy to put together some bullet points w/ draft answers. Will send those around asap.

From: Mark Wigfield
Sent: Thursday, April 24, 2014 9:37 AM
To: Shannon Gilson; Philip Verveer; Matthew DelNero; Stephanie Weiner; Jonathan Sallet; Neil Grace; Julie Veach; Ruth Milkman
Subject: possible press questions

Here are what we think will be some of the press questions at the 11 a.m. call. Who is available to provide some answers?

Possible press questions

1. You called the Times story "flat-out wrong." What about the Journal story?
2. So would your proposed rules allow broadband providers to charge for priority service or "fast lanes"?
3. What is an example of a commercially reasonable practice, and a commercially unreasonable one?
4. How are the proposed rules different from the 2010 rules?
5. If a practice is commercially reasonable, what guarantee is it that it is reasonable for consumers or competition or start-ups and edge providers?
6. What are the standards for judging whether paying for priority service is commercially reasonable?
7. Will the standard for judging commercial reasonableness include examining the impact on consumer pricing for edge services?

4

HOG-01-001275

From: Mark Wigfield
Sent: Thursday, April 24, 2014 9:47 AM
To: Matthew DelNero; Shannon Gilson; Philip Verveer; Stephanie Weiner; Jonathan Sallet; Neil Grace; Julie Veach; Ruth Milkman
Subject: RE: possible press questions

(b) (5)

From: Matthew DelNero
Sent: Thursday, April 24, 2014 9:45 AM
To: Mark Wigfield; Shannon Gilson; Philip Verveer; Stephanie Weiner; Jonathan Sallet; Neil Grace; Julie Veach; Ruth Milkman
Subject: RE: possible press questions

(b) (5)

From: Mark Wigfield
Sent: Thursday, April 24, 2014 9:37 AM
To: Shannon Gilson; Philip Verveer; Matthew DelNero; Stephanie Weiner; Jonathan Sallet; Neil Grace; Julie Veach; Ruth Milkman
Subject: possible press questions

(b) (5)

8. Will broadband providers need to seek approval for fast-lane traffic? Or will the FCC just investigate complaints?
9. How can the FCC act quickly enough on complaints to help start-up edge providers?
10. How will you enforce the rules?
11. Would the FCC be able to regulate a price or order pricing adjustments as a result of its investigations of commercial reasonableness?
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13. Have any edge providers endorsed this policy?
14. Does that name change indicate a shift in the FCC's view about the neutrality of broadband providers selling fast-lane service by edge providers, a shift in favor of the broadband provider?
15. Does a rule requiring commercial reasonability have the same effect as one barring unreasonable discrimination?
16. Why is unreasonable discrimination less legally sustainable than commercially reasonable?
17. What can consumers do? IS there a comment period or a chance to actually effect change? What then, would be that process?

(b) (5)



Possible press questions

1. You called the Times story "flat-out wrong." What about the Journal story?
 - What we were reacting to in the NYT story was the implication – not present in the WSJ article – that the FCC was gutting the principle of an open internet. That's just not the case. What we're proposing are enforceable rules of the road that will give us the tools to address harms to internet openness.
2. So would your proposed rules allow broadband providers to charge for priority service or "fast lanes"?
 - When the federal appeals court spoke in January, they made clear that we couldn't categorically prohibit deals between broadband and edge providers. But the court also said we have authority to regulate any such deals and to be sure that they don't harm the free and open internet. We're taking up that invitation by proposing robust, enforceable rules to protect consumers and competition on the internet.
3. What is an example of a commercially reasonable practice, and a commercially unreasonable one?
 - We're at the stage of a proposal, not final rules, so this is exactly the sort of question we're trying to answer. But, for example, we have suggested that the FCC should take a very close look at a broadband provider's decision to favor its own affiliated content and services over other traffic of the Internet.
4. How are the proposed rules different from the 2010 rules?
 - They're similar in that they seek to get to the same result: flexible standards that leave room for innovation by all stakeholders while preserving the openness of the internet.
 - We've proposed a rule that would prohibit most broadband providers from blocking users from reaching the sites and services of their choosing – but in a way that we believe will withstand judicial scrutiny even though the similar 2010 rule did not.
 - To replace the antidiscrimination rule struck down by the court, we've proposed a rule that judges questionable practices by providers on a case-by-case basis. That's an important tool that we are eager to put in place to protect the open internet. Keep in mind that today, we don't have any rules in effect to govern broadband providers' practices.
5. If a practice is commercially reasonable, what guarantee is it that it is reasonable for consumers or competition or start-ups and edge providers?
 - That's exactly the point of the rules we're proposing – they create a framework for making sure that broadband providers' practices don't harm innovation by edge providers (small or large). We have decades of experience in making this sort of analysis in other contexts. As the federal court confirmed in its opinion in January, Congress gave the FCC authority to protect the open internet and that's exactly what we'll do.

HOCR-OI-001277

(b) (5)

- We think what we're proposing is a big improvement over the status quo – that is, a world in which there are no rules governing the behavior of broadband providers, following the court's decision in January.
-
- 6. What are the standards for judging whether paying for priority service is commercially reasonable?
- We're seeking broad comment on what those standards would be. But to name just a few that we have in mind, we'll look at the effect of the practice on competition, on consumers, on free expression, and on innovation.
- 7. Will the standard for judging commercial reasonableness include examining the impact on consumer pricing for edge services?
- What the standard ultimately adopted by the FCC will look like isn't clear yet – that's why we have a public comment process. But we've made clear that we're very interested in the effect of broadband providers' practices on competition and on consumers broadly.
- 8. Will broadband providers need to seek approval for fast-lane traffic? Or will the FCC just investigate complaints? We're giving a lot of thought and attention to enforcement and dispute resolution. We're not necessarily proposing that each and every individual agreement between an edge provider and a broadband provider will need approval. But we do want a mechanism that provides guidance to all stakeholders on the Internet as to what's acceptable and what's not. To cite just one example, one idea we're considering is a Commission ombudsperson who could serve as the eyes and ears of consumers and small edge providers on these issues.
- 9. How can the FCC act quickly enough on complaints to help start-up edge providers? [see above]
- 10. How will you enforce the rules [see above]
- 11. Would the FCC be able to regulate a price or order pricing adjustments as a result of its investigations of commercial reasonableness? [We are at the proposal stage, so we do seek comment on what role the FCC should have in considering pricing of agreements between broadband and edge providers.]
- 12. What companies have asked for the "commercially reasonable" policy? Is this something the cable industry suggested to Chairman Wheeler? No – the "commercially reasonable" approach is something the FCC has used in other contexts and about which the court in January spoke very favorably. This standard follows the blueprint laid for the court for how the FCC could exercise its authority to protect the open Internet and do so in a way that would withstand judicial scrutiny. We need rules that will hold up in court so that consumers get the protection they deserve.
- 13. Have any edge providers endorsed this policy? We're just rolling out this proposal, but many edge providers have urged that the Commission follow the blueprint laid out by the court in January so that we can create enforceable rules of the road that will withstand judicial scrutiny. That's exactly what we're doing with this proposal.

HOGR-OI-001278

(b) (5)

14. Does that name change indicate a shift in the FCC's view about the neutrality of broadband providers selling fast-lane service by edge providers, a shift in favor of the broadband provider? No, not at all. It indicates our responsiveness to the court's invitation to create rules that will protect Internet openness and will hold up to any future legal challenge.
15. Does a rule requiring commercial reasonability have the same effect as one barring unreasonable discrimination? It has the same end goal, to protect the open Internet. But it's a different standard and is one that allows for more flexibility.
16. Why is unreasonable discrimination less legally sustainable than commercially reasonable? Because the court found that "unreasonable discrimination" is a hallmark of common carriage regulation, while "commercially reasonable" has been endorsed by courts as a more flexible standard. Importantly, the "commercially reasonable" approach enables us to exercise the authority Congress granted us to protect the open Internet.
17. What can consumers do? IS there a comment period or a chance to actually effect change? What then, would be that process? YES. We are eager to get broad public comment on these important issues. The dates will be announced later in May and we're looking forward to robust input from the public.
18. When do the rules take effect? We're at the proposal stage. After we get broad public comment from consumers, edge providers, broadband providers and others, the FCC will vote on enforceable rules later this year.

HQGR-OI-001279

(b) (5)



Andrea Kearney

From: Jonathan Sallet
Sent: Thursday, April 24, 2014 5:15 PM
To: Stephanie Weiner
Subject: Re: Re

Oh, its ok; I'll dig up a new version; its not moving tonight.

From: Stephanie Weiner
Sent: Thursday, April 24, 2014 05:12 PM
To: Jonathan Sallet
Subject: RE: Re:

Yes, but I have only seen the a-d one below. Are there others? Should I ask Shannon for them?

1. Here is how the new proposal interprets what is NOT commercially reasonable:
 - a. Something that harms a consumer's ability to use the internet,
 - b. Something that favors an affiliated company,
 - c. Something that harms a company's ability to compete,
 - d. Something that harms the openness of the Internet

From: Jonathan Sallet
Sent: Thursday, April 24, 2014 5:07 PM
To: Stephanie Weiner
Subject: Re: Re:

1. No. 2. Yes.

Could you do one thing and look at the draft tweets

From: Stephanie Weiner
Sent: Thursday, April 24, 2014 05:05 PM
To: Jonathan Sallet
Subject: RE: Re:

Of course, but you were the star today.

Two questions:

1. Do you need me to stay this evening?
2. Are you planning to work from home tomorrow?

From: Jonathan Sallet
Sent: Thursday, April 24, 2014 5:03 PM
To: Stephanie Weiner
Subject: Re: Re:

1

HOG-01-001293

Andrea Kearney

From: Jonathan Sallet
Sent: Thursday, April 24, 2014 5:15 PM
To: Stephanie Weiner
Subject: Re: Re:

(b) (5)

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Subject: RE: Re:

(b) (5)

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(b) (5)

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To: Jonathan Sallet
Subject: RE: Re:

(b) (5)

From: Jonathan Sallet
Sent: Thursday, April 24, 2014 5:03 PM
To: Stephanie Weiner
Subject: Re: Re:

1

Thanks for all your help today; we couldn't get through this without you.

From: Stephanie Weiner
Sent: Thursday, April 24, 2014 05:02 PM
To: Jonathan Sallet; Terrell, McSweeney <Terrell.McSweeney@fcc.gov>
Cc: David Gelfand <David.Gelfand@fcc.gov>
Subject: RE: Re:

Terrell and David,

Here is the link: <http://www.fcc.gov/blog/setting-record-straight-fcc-s-open-internet-rules>

And I have pasted in the text below.

Stephanie

Stephanie Weiner
Associate General Counsel
Office of General Counsel
Federal Communications Commission
[REDACTED]

Setting the Record Straight on the FCC's Open Internet Rules

by: Tom Wheeler, FCC Chairman

April 24, 2014

There has been a great deal of misinformation that has recently surfaced regarding the draft Open Internet Notice of Proposed Rulemaking that we will today circulate to the Commission.

The Notice proposes the reinstatement of the Open Internet concepts adopted by the Commission in 2010 and subsequently remanded by the D.C. Circuit. The Notice does not change the underlying goals of transparency, no blocking of lawful content, and no unreasonable discrimination among users established by the 2010 Rule. The Notice does follow the roadmap established by the Court as to how to enforce rules of the road that protect an Open Internet and asks for further comments on the approach.

(b) (5)

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Sent: Thursday, April 24, 2014 05:02 PM
To: Jonathan Sallet; Terrell, McSweeney <Terrell.McSweeney@fcc.gov>
Cc: David Gelfand <David.Gelfand@fcc.gov>
Subject: RE: Re:

(b) (5)

Stephanie Weiner
Associate General Counsel
Office of General Counsel
Federal Communications Commission
[REDACTED]

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Andrea Kearney

From: Matthew DelNero
Sent: Thursday, April 24, 2014 7:04 PM
To: Stephanie Weiner; Carol Simpson
Subject: RE: CNET: Calm down: FCC's position on Net neutrality hasn't changed

Great article. Glad to see that CNET is on our side. ☺

From: Stephanie Weiner
Sent: Thursday, April 24, 2014 5:58 PM
To: Matthew DelNero; Carol Simpson
Subject: Fw: CNET: Calm down: FCC's position on Net neutrality hasn't changed

From: Meribeth McCarrick
Sent: Thursday, April 24, 2014 05:52 PM
To: Gigi Sohn; Shannon Gilson; Neil Grace; Mark Wigfield; Sara Morris; Jonathan Sallet; Maria Kirby; Renee Gregory; Daniel Alvarez; Ruth Milkman; Stephanie Weiner; Rochelle Cohen; Julie Veach
Subject: CNET: Calm down: FCC's position on Net neutrality hasn't changed

Calm down: FCC's position on Net neutrality hasn't changed

There's been a lot of confusion about what the FCC is or is not proposing for its rewrite of its Open Internet rules. CNET's Marguerite Reardon breaks it down.

by Marguerite Reardon

April 24, 2014 2:10 PM PDT

<http://www.cnet.com/news/fccs-position-on-net-neutrality-hasnt-changed/>

When it comes to discussing the FCC's recent proposal for rewriting its Net neutrality rules, everyone needs to take a deep breath, slow down and check their facts, according to FCC chairman Tom Wheeler, whose agency seems to have a knack for inadvertently exciting the public over its proposed policy plans.

And I couldn't agree more.

The Internet got itself worked into a tizzy Thursday evening when the Wall Street Journal and New York Times published stories in which they suggested that the FCC had changed its position on certain aspects of the Open Internet rules that it has been reworking since January when a federal appeals court struck down regulation the FCC had adopted in 2010.

Blogs were ablaze with headlines about the "Death of Net neutrality" and claims that the FCC was offering its approval to broadband providers who want to create so-called fast lanes on the Internet. The backlash was reminiscent of a media firestorm in November over the FCC's planned vote to lift technical restrictions on cell phones in flight. Frequent air travelers took to the media and Internet sites to complain that they didn't want to sit next to a jabbering passenger on transcontinental flights. To calm the public, the chairman was forced to broker a deal with the Department of Transportation, which has set rules that could still ban in-flight calls.

Like with the misunderstanding over the in-flight cell phone ban, the reality of what the FCC is actually proposing in terms of Net neutrality is far less dramatic than what has been reported. In a blog post on Thursday, Wheeler tried to clear up the misunderstanding. And his staff offered even more clarification to reporters on a press-only conference call.

FCC Chairman Tom Wheeler CNET/Marguerite Reardon

1

HOG-01-001297

Andrea Kearney

From: Matthew DelNero
Sent: Thursday, April 24, 2014 7:04 PM
To: Stephanie Weiner; Carol Simpson
Subject: RE: CNET: Calm down: FCC's position on Net neutrality hasn't changed

(b) (5)

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Sent: Thursday, April 24, 2014 5:58 PM
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FCC Chairman Tom Wheeler CNET/Marguerite Reardon

1

Andrea Kearney

From: Roger Sherman
Sent: Friday, April 25, 2014 8:53 AM
To: Stephanie Weiner; Jonathan Sallet
Cc: Ruth Milkman
Subject: Brian Fung

Just want to make sure you saw Brian Fung's piece. He is a very good reporter and really seems to get our issues. It seems like he provides a pretty balanced account of our proposal.

http://www.washingtonpost.com/blogs/the-switch/wp/2014/04/24/everything-you-should-know-about-the-fccs-new-net-neutrality-proposal/?wpisrc=nl_wonk

Roger C. Sherman
Chief | Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street SW
[REDACTED]

Andrea Kearney

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Sent: Friday, April 25, 2014 8:53 AM
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Roger C. Sherman
Chief | Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street SW
[REDACTED]

Andrea Kearney

From: Jonathan Sallet
Sent: Friday, April 25, 2014 10:51 AM
To: Stephanie Weiner
Subject: Re: FCBA Network Neutrality CLE - May 29, 2014

Baah-d response. I will call

From: Stephanie Weiner
Sent: Friday, April 25, 2014 10:50 AM
To: Jonathan Sallet
Subject: RE: FCBA Network Neutrality CLE - May 29, 2014

Perhaps. But one person's sign of respect is another's sacrificial lamb.

From: Jonathan Sallet
Sent: Friday, April 25, 2014 10:50 AM
To: Stephanie Weiner
Subject: Re: FCBA Network Neutrality CLE - May 29, 2014

Its a sign of respect.

From: Stephanie Weiner
Sent: Friday, April 25, 2014 10:48 AM
To: Jonathan Sallet
Subject: FW: FCBA Network Neutrality CLE - May 29, 2014

Can we chat about this at some point. At the moment, I think I would rather be shot. But perhaps that's not the professional response.

From: Gregory Haledjian
Sent: Tuesday, April 22, 2014 3:16 PM
To: Stephanie Weiner
Subject: FCBA Network Neutrality CLE - May 29, 2014

Good afternoon Stephanie,

I hope that all is well with you. I'm co-chair of the FCBA Wireline Committee and we are planning a CLE regarding Network Neutrality on the evening of Thursday, May 29.

I am writing to inquire about your possible participation on a panel currently titled, "Perspectives on the Legal Status of Net Neutrality and the FCC's Way Forward," where we would ask you to provide the FCC view. Both Phil Verveer and Gigi Sohn suggested that I reach out to you regarding this opportunity. Scott Cleland of Precursor LLC has agreed to serve on this panel and we have an invitation pending to Harold Feld of Public Knowledge.

Sean Lev has agreed to provide an overview of the D.C. Circuit's *Verizon* decision and Bob Quinn of AT&T, Michael Altschul of CTIA, and Robert Beury of Cogent have agreed to participate on an industry panel.

Please let me know ASAP if you are interested.

1

HOG-01-001301

Andrea Kearney

From: Jonathan Sallet
Sent: Friday, April 25, 2014 10:51 AM
To: Stephanie Weiner
Subject: Re: FCBA Network Neutrality CLE - May 29, 2014

(b) (5)

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Sent: Friday, April 25, 2014 10:50 AM
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Subject: RE: FCBA Network Neutrality CLE - May 29, 2014

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Andrea Kearney

From: Philip Verveer
Sent: Friday, April 25, 2014 11:53 AM
To: Shannon Gilson; Sara Morris; Jonathan Sallet; Ruth Milkman; Gigi Sohn
Cc: Stephanie Weiner
Subject: RE: Simple Explanation Of Net Neutrality - Business Insider

Shannon

I think you are right. We need to be very careful about claims that will be shown to be inconsistent with the Court's decision and with our own proposal.

The element that seems to be missing in the "baseline" controversy is that we get to define the baseline. While there no doubt are some limits (in the sense that a court would reject evident overreach), we can define a very substantial baseline, or, if one prefers, a great many lanes in the highway to avoid congestion. And the determination would not be static. It presumably would change (i.e., increase) as technology, business models, and consumer behavior change. There is an unavoidable enforcement problem, whether we are using 706 or Title II. The ISP networks are heterogeneous, so specifying capacity in quantitative terms will be very challenging if it comes to that.

Phil

From: Shannon Gilson
Sent: Friday, April 25, 2014 10:59 AM
To: Sara Morris; Jonathan Sallet; Ruth Milkman; Gigi Sohn; Philip Verveer
Cc: Stephanie Weiner
Subject: RE: Simple Explanation Of Net Neutrality - Business Insider

Plus Phil, I am concerned that if he pushes back and says to folks, "hey, baseline is dead wrong" we are going to have a huge credibility problem on our hands.

From: Sara Morris
Sent: Friday, April 25, 2014 10:20 AM
To: Jonathan Sallet; Shannon Gilson; Ruth Milkman; Gigi Sohn
Cc: Stephanie Weiner
Subject: Re: Simple Explanation Of Net Neutrality - Business Insider

This is the "smoking gun" I was mentioning. I think it helps that no-blocking is subject to the "commercially unreasonable" review but at the end of the day doesn't this bless fast lanes?

Sara W. Morris
Director
Office of Legislative Affairs
Federal Communications Commission



From: Jonathan Sallet
Sent: Friday, April 25, 2014 10:12 AM
To: Shannon Gilson; Ruth Milkman; Gigi Sohn; Sara Morris
Cc: Stephanie Weiner

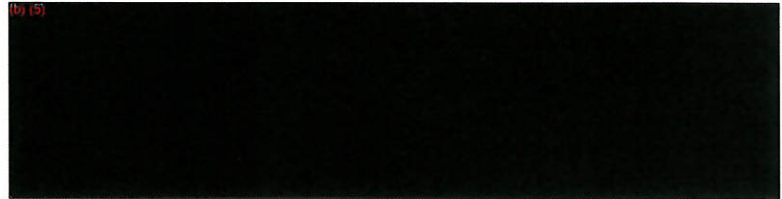
1

HOG-01-001303

Andrea Kearney

From: Philip Verveer
Sent: Friday, April 25, 2014 11:53 AM
To: Shannon Gilson; Sara Morris; Jonathan Sallet; Ruth Milkman; Gigi Sohn
Cc: Stephanie Weiner
Subject: RE: Simple Explanation Of Net Neutrality - Business Insider

(b) (5)



From: Shannon Gilson
Sent: Friday, April 25, 2014 10:59 AM
To: Sara Morris; Jonathan Sallet; Ruth Milkman; Gigi Sohn; Philip Verveer
Cc: Stephanie Weiner
Subject: RE: Simple Explanation Of Net Neutrality - Business Insider

(b) (5)



From: Sara Morris
Sent: Friday, April 25, 2014 10:20 AM
To: Jonathan Sallet; Shannon Gilson; Ruth Milkman; Gigi Sohn
Cc: Stephanie Weiner
Subject: Re: Simple Explanation Of Net Neutrality - Business Insider

(b) (5)



Sara W. Morris
Director
Office of Legislative Affairs
Federal Communications Commission



From: Jonathan Sallet
Sent: Friday, April 25, 2014 10:12 AM
To: Shannon Gilson; Ruth Milkman; Gigi Sohn; Sara Morris
Cc: Stephanie Weiner

1

Subject: RE: Simple Explanation Of Net Neutrality - Business Insider

Plus Stephanie.

Yes.

-----Original Message-----

From: Shannon Gilson


Sent: Friday, April 25, 2014 10:04 AM Eastern Standard Time

To: Jonathan Sallet; Ruth Milkman; Gigi Sohn; Sara Morris

Subject: Re: Simple Explanation Of Net Neutrality - Business Insider

Minus TW. Isn't the "baseline" concept in the NPRM as tentative conclusion as a "minimal level of service"? Don't mean the same thing?

----- Original Message -----

From: Tom Wheeler [mailto:

Sent: Friday, April 25, 2014 09:54 AM

To: Shannon Gilson; Jonathan Sallet; Ruth Milkman; Gigi Sohn

Subject: Simple Explanation Of Net Neutrality - Business Insider

We simply have to rebut this "baseline" issue. I've been hearing it from the Hill. When I talk to Members they are reading our statement about baseline back to me as us confirming that service will be diminished.

This article is another example of how our own words are being used against us

http://www.businessinsider.com/simple-explanation-of-net-neutrality-2014-4?email_referer=1&utm_source=Triggermail&utm_medium=email&utm_content=emailshare

Sent from my iPad

Subject: RE: Simple Explanation Of Net Neutrality - Business Insider

(b) (5)

-----Original Message-----

From: Shannon Gilson


Sent: Friday, April 25, 2014 10:04 AM Eastern Standard Time

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(b) (5)

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Sent from my iPad

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(b) (5)

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From: Shannon Gilson

Sent: Friday, April 25, 2014 10:04 AM Eastern Standard Time

To: Jonathan Sallet; Ruth Milkman; Gigi Sohn; Sara Morris

Subject: Re: Simple Explanation Of Net Neutrality - Business Insider

(b) (5)

----- Original Message -----

From: Tom Wheeler [mailto: [REDACTED]]

Sent: Friday, April 25, 2014 09:54 AM

To: Shannon Gilson; Jonathan Sallet; Ruth Milkman; Gigi Sohn

Subject: Simple Explanation Of Net Neutrality - Business Insider

(b) (5)

http://www.businessinsider.com/simple-explanation-of-net-neutrality-2014-4?nr_email_referer=1&utm_source=Triggermail&utm_medium=email&utm_content=emailshare

Sent from my iPad

Andrea Kearney

From: Jonathan Sallet
Sent: Monday, April 28, 2014 12:19 PM
To: Shannon Gilson; Mark Wigfield; Ruth Milkman; Gigi Sohn
Cc: Stephanie Weiner
Subject: Re: Your HuffPost Blog Post - The Perfect and the Good on Network Neutrality

I don't know the basis for his conclusion

From: Shannon Gilson
Sent: Monday, April 28, 2014 12:15 PM
To: Mark Wigfield; Jonathan Sallet; Ruth Milkman; Gigi Sohn
Subject: FW: Your HuffPost Blog Post - The Perfect and the Good on Network Neutrality

From Kevin's Blog:

"In the new proposal, the FCC appears to mandate that paid prioritization offerings be "commercially reasonable." This requirement presumably would insist on the availability on the same terms to all, with the FCC reviewing such offerings on a case-by-case basis. Such a requirement might also include the condition that any paid prioritization offerings are only reasonable when the broadband provider offers a sufficiently robust level of non-prioritized broadband."

A chunk of the coverage assumes the highlighted as well. Mark is working we discussed.

From: gbsohn [mailto: [REDACTED]]
Sent: Sunday, April 27, 2014 9:29 PM
To: [REDACTED]; Ruth Milkman; Jonathan Sallet; Philip Verveer; Shannon Gilson; Sara Morris; Daniel Alvarez
Subject: Fwd: Your HuffPost Blog Post - The Perfect and the Good on Network Neutrality

Great stuff from Kevin.

Sent from my HTC on T-Mobile 4G LTE

----- Forwarded message -----

From: "Kevin Werbach" [REDACTED]
To: "Gigi Sohn" [REDACTED]
Subject: Your HuffPost Blog Post - The Perfect and the Good on Network Neutrality
Date: Sun, Apr 27, 2014 9:13 PM

Begin forwarded message:

> **From:** no-reply@huffingtonpost.com
> **Subject:** Your HuffPost Blog Post - The Perfect and the Good on Network Neutrality
> **Date:** April 27, 2014 at 6:03:00 PM EDT
> **To:** [REDACTED]
>

1

HOG-01-001307

Andrea Kearney

From: Jonathan Sallet
Sent: Monday, April 28, 2014 12:19 PM
To: Shannon Gilson; Mark Wigfield; Ruth Milkman; Gigi Sohn
Cc: Stephanie Weiner
Subject: Re: Your HuffPost Blog Post - The Perfect and the Good on Network Neutrality

(b) (5)

From: Shannon Gilson
Sent: Monday, April 28, 2014 12:15 PM
To: Mark Wigfield; Jonathan Sallet; Ruth Milkman; Gigi Sohn
Subject: FW: Your HuffPost Blog Post - The Perfect and the Good on Network Neutrality

(b) (5)

(b) (5)

From: [REDACTED] [mailto: [REDACTED]]
Sent: Sunday, April 27, 2014 9:29 PM
To: [REDACTED]; Ruth Milkman; Jonathan Sallet; Philip Verveer; Shannon Gilson; Sara Morris; Daniel Alvarez
Subject: Fwd: Your HuffPost Blog Post - The Perfect and the Good on Network Neutrality

(b) (5)

Sent from my HTC on T-Mobile 4G LTE

----- Forwarded message -----

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Andrea Kearney

From: Mark Wigfield
Sent: Monday, April 28, 2014 4:53 PM
To: Neil Grace; Stephanie Weiner
Cc: Shannon Gilson
Subject: RE: IDG request: Internet of Things and Net Neutrality

The rules then and proposed rules now prohibit broadband providers from blocking access to legal content, apps or services, or subjecting them to unreasonable discrimination (or commercially unreasonable treatment.) It didn't parse out WHAT those apps, services or content was. So no different. Stefanie, do you agree?

I don't think we want to speculate on the second question, but if a heart monitor would be considered part of the Internet of things, that's the one example we've used where priority treatment might be warranted.

From: Neil Grace
Sent: Monday, April 28, 2014 4:44 PM
To: Mark Wigfield; Stephanie Weiner
Cc: Shannon Gilson
Subject: IDG request: Internet of Things and Net Neutrality

Hi - I'm not sure this was addressed in the old rules, but checking with the experts.

Neil Derek Grace
Senior Communications Advisor
Federal Communications Commission

From: Stephen Lawson (mailto:Stephen.Lawson@) [mailto:Stephen.Lawson@]
Sent: Monday, April 28, 2014 4:42 PM
To: Neil Grace
Subject: Internet of Things and Net Neutrality

Hi Neil,

Thanks for your help on the net neutrality email inbox. There's also another net neutrality issue I'd like to discuss on background: Internet of Things traffic. How was it treated under the old net-neutrality rules? Does the FCC envision many users of various IoT applications seeking priority? Just looking for some background.

Please call if possible. Thanks for your time.

Steve

Stephen Lawson
Senior U.S. Correspondent
IDG News Service

HOGI-OI-001309

Andrea Kearney

From: Mark Wigfield
Sent: Monday, April 28, 2014 4:53 PM
To: Neil Grace; Stephanie Weiner
Cc: Shannon Gilson
Subject: RE: IDG request: Internet of Things and Net Neutrality

(b) (5)

From: Neil Grace
Sent: Monday, April 28, 2014 4:44 PM
To: Mark Wigfield; Stephanie Weiner
Cc: Shannon Gilson
Subject: IDG request: Internet of Things and Net Neutrality

(b) (5)

Neil Derek Grace
Senior Communications Advisor
Federal Communications Commission

From: Stephen Lawson (mailto:Stephen.Lawson@) [mailto:Stephen.Lawson@]
Sent: Monday, April 28, 2014 4:42 PM
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Subject: Internet of Things and Net Neutrality

Hi Neil,

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Please call if possible. Thanks for your time.

Steve

Stephen Lawson
Senior U.S. Correspondent
IDG News Service

1

Andrea Kearney

From: Shannon Gilson
Sent: Tuesday, April 29, 2014 9:10 PM
To: Neil Grace
Cc: Stephanie Weiner
Subject: Re: "broadband providers represent a threat to Internet openness"... and have "incentives to interfere"

I don't see why not -- those are the excerpts we gave out. Would clarify "incentives to interfere" come from 2010 OI order unless SW tells me I have it wrong.

From: Neil Grace
Sent: Tuesday, April 29, 2014 08:27 PM
To: Shannon Gilson
Subject: Fw: "broadband providers represent a threat to Internet openness"... and have "incentives to interfere"

Hi - can we confirm this?

Neil Derek Grace
Senior Communications Advisor
Federal Communications Commission

From: Brooks Boliek [mailto:]
Sent: Tuesday, April 29, 2014 08:26 PM
To: Neil Grace
Subject: "broadband providers represent a threat to Internet openness"... and have "incentives to interfere"

Is that part of the speech right?

Can we use for MT?

bb

Brooks Boliek | POLITICO
Technology reporter

HQGR-OI-001312

Andrea Kearney

From: Shannon Gilson
Sent: Tuesday, April 29, 2014 9:10 PM
To: Neil Grace
Cc: Stephanie Weiner
Subject: Re: "broadband providers represent a threat to Internet openness"... and have "incentives to interfere"

(b) (5)

From: Neil Grace
Sent: Tuesday, April 29, 2014 08:27 PM
To: Shannon Gilson
Subject: Fw: "broadband providers represent a threat to Internet openness"... and have "incentives to interfere"

(b) (5)

Neil Derek Grace
Senior Communications Advisor
Federal Communications Commission

From: Brooks Boliek [mailto:]
Sent: Tuesday, April 29, 2014 08:26 PM
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Subject: "broadband providers represent a threat to Internet openness"... and have "incentives to interfere"

Is that part of the speech right?

Can we use for MT?

bb

Brooks Boliek | POLITICO
Technology reporter

Andrea Kearney

From: Jonathan Sallet
Sent: Wednesday, April 30, 2014 8:48 AM
To: Stephanie Weiner
Subject: RE: FINAL NCTA

I guess the WAM is more important but come late. See you this afternoon.

From: Stephanie Weiner
Sent: Wednesday, April 30, 2014 8:38 AM
To: Jonathan Sallet
Subject: Re: FINAL NCTA

I would really like to hear what PK is saying.

I am supposed to go to the Wireless WAM from 2:30-3:30. I could ask WCB (and Nese from WTB) to do it without me. Or could I come to PK late?

What do you think?

Also just FYI- this morning [REDACTED]
Should be in the office by 2 at the latest.

From: Jonathan Sallet
Sent: Wednesday, April 30, 2014 07:36 AM
To: Stephanie Weiner
Subject: Fw: FINAL NCTA

For discussion later; can you come to the PK meeting at 230?

From: TW
Sent: Tuesday, April 29, 2014 09:58 PM
To: Jonathan Sallet
Subject: Fw: FINAL NCTA

Interesting observation from an analyst

T

From: Greenfield, Richard [REDACTED]
Sent: Tuesday, April 29, 2014 06:57 PM
To: TW
Subject: Re: FINAL NCTA

Thanks!

My big fundamental question is in a fast lane scenario is incremental investment required to add a lane for the special high speed lane or can it be an existing part of the highway that is dynamically allocated for fast dedicated access?

1
HOGR-OI-001313

Andrea Kearney

From: Jonathan Sallet
Sent: Wednesday, April 30, 2014 8:48 AM
To: Stephanie Weiner
Subject: RE: FINAL NCTA

(b) (5)

From: Stephanie Weiner
Sent: Wednesday, April 30, 2014 8:38 AM
To: Jonathan Sallet
Subject: Re: FINAL NCTA

(b) (5)

From: Jonathan Sallet
Sent: Wednesday, April 30, 2014 07:36 AM
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Subject: Fw: FINAL NCTA

(b) (5)

From: TW
Sent: Tuesday, April 29, 2014 09:58 PM
To: Jonathan Sallet
Subject: Fw: FINAL NCTA

(b) (5)

From: Greenfield, Richard [REDACTED]
Sent: Tuesday, April 29, 2014 06:57 PM
To: TW
Subject: Re: FINAL NCTA

Thanks!

My big fundamental question is in a fast lane scenario is incremental investment required to add a lane for the special high speed lane or can it be an existing part of the highway that is dynamically allocated for fast dedicated access?

1

Andrea Kearney

From: Randy Clarke
Sent: Wednesday, April 30, 2014 10:41 AM
To: Stephanie Weiner
Subject: OI at wireless advisors meeting today

Stephanie,

Are you planning to go to the wireless advisor's meeting today for the open Internet discussion? I am just checking to avoid surprises and to see if I need to identify additional expertise – Carol S. is not able to go today.

Thanks,

Randy

[REDACTED]

1

HOCR-OI-001315

Andrea Kearney

From: Randy Clarke
Sent: Wednesday, April 30, 2014 10:41 AM
To: Stephanie Weiner
Subject: OI at wireless advisors meeting today

Stephanie,

Are you planning to go to the wireless advisor's meeting today for the open Internet discussion? (b) (5) [REDACTED]
[REDACTED] Carol S. is not able to go today.

Thanks,

Randy

[REDACTED]

1

Andrea Kearney

From: Jennifer Tatel
Sent: Wednesday, April 30, 2014 12:49 PM
To: Stephanie Weiner; Jonathan Sallet
Subject: RE: OI-Cost benefit analysis
Attachments: Blackburn Letter to Chairman Wheeler.pdf

Here is a copy of the inquiry from Blackburn.

From: Stephanie Weiner
Sent: Tuesday, April 29, 2014 6:05 PM
To: Jennifer Tatel; Jonathan Sallet
Subject: RE: OI-Cost benefit analysis

Sorry -- I misread your email. Nor did we do one in the 2009 NPRM.

From: Stephanie Weiner
Sent: Tuesday, April 29, 2014 6:03 PM
To: Jennifer Tatel; Jonathan Sallet
Subject: RE: OI-Cost benefit analysis

We have not done a cost/benefit analysis for the NPRM. Would we need typically do this for an NPRM?

The 2010 Order included the following discussion:

A. The Benefits of Protecting the Internet's Openness Exceed the Costs

38. Widespread interference with the Internet's openness would likely slow or even break the virtuous cycle of innovation that the Internet enables, and would likely cause harms that may be irreversible or very costly to undo.^[1] For example, edge providers could make investments in reliance upon exclusive preferential arrangements with broadband providers, and network management technologies may not be easy to change.^[2] If the next revolutionary technology or business is not developed because broadband provider practices chill entry and innovation by edge providers, the missed opportunity may be significant,^[3] and lost innovation, investment, and competition may be impossible to restore after the fact.^[4] Moreover, because of the Internet's role as a general purpose technology, erosion of Internet openness threatens to harm innovation, investment in the core and at the edge of the network, and competition in many sectors, with a disproportionate effect on small, entering, and non-commercial edge providers that drive much of the innovation on the Internet.^[5] Although harmful practices are not certain to become widespread, there are powerful reasons for immediate concern, as broadband providers have interfered with the open Internet in the past and have incentives and an increasing ability to do so in the future. Effective open Internet rules can prevent or reduce the risk of these harms, while helping to assure Americans unfettered access to diverse sources of news, information, and entertainment, as well as an array of technologies and devices that enhance health, education, and the environment.

39. By comparison to the benefits of these prophylactic measures, the costs associated with the open Internet rules adopted here are likely small.^[6] Broadband providers generally endorse openness norms—including the transparency and no blocking principles—as beneficial and in line with current and planned business practices (though they do not uniformly support rules making them enforceable).^[7] Even to the extent rules require some additional disclosure of broadband providers' practices, the costs of compliance should be modest.^[8] In addition, the high-level rules we adopt carefully balance preserving the open Internet against avoiding unduly burdensome regulation. Our rules against blocking and unreasonable discrimination are subject to reasonable network management, and our rules do not prevent broadband providers from offering specialized services such as facilities-based VoIP.^[9] In short, rules that reinforce the openness

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HQGR-OI-001316

Andrea Kearney

From: Jennifer Tatel
Sent: Wednesday, April 30, 2014 12:49 PM
To: Stephanie Weiner; Jonathan Sallet
Subject: RE: OI-Cost benefit analysis
Attachments: Blackburn Letter to Chairman Wheeler.pdf

Here is a copy of the inquiry from Blackburn.

From: Stephanie Weiner
Sent: Tuesday, April 29, 2014 6:05 PM
To: Jennifer Tatel; Jonathan Sallet
Subject: RE: OI-Cost benefit analysis

(b) (5)

From: Stephanie Weiner
Sent: Tuesday, April 29, 2014 6:03 PM
To: Jennifer Tatel; Jonathan Sallet
Subject: RE: OI-Cost benefit analysis

(b) (5)

(b) (5)

1

that has supported the growth of the Internet, and do not substantially change this highly successful status quo, should not entail significant compliance costs.

40. Some commenters contend that open Internet rules are likely to reduce investment in broadband deployment.^[10] We disagree. There is no evidence that prior open Internet obligations have discouraged investment.^[11] and numerous commenters explain that, by preserving the virtuous circle of innovation, open Internet rules will increase incentives to invest in broadband infrastructure.^[12] Moreover, if permitted to deny access, or charge edge providers for prioritized access to end users, broadband providers may have incentives to allow congestion rather than invest in expanding network capacity.^[13] And as described in Part III, below, our rules allow broadband providers sufficient flexibility to address legitimate congestion concerns and other network management considerations. Nor is there any persuasive reason to believe that in the absence of open Internet rules broadband providers would lower charges to broadband end users,^[14] or otherwise change their practices in ways that benefit innovation, investment, competition, or end users.^[15]

41. The magnitude and character of the risks we identify make it appropriate to adopt prophylactic rules now to preserve the openness of the Internet, rather than waiting for substantial, pervasive, and potentially irreversible harms to occur before taking any action.^[16] The Supreme Court has recognized that even if the Commission cannot "predict with certainty" the future course of a regulated market, it may "plan in advance of foreseeable events, instead of waiting to react to them."^[17] Moreover, as the Commission found in another context, "[e]xclusive reliance on a series of individual complaints," without underlying rules, "would prevent the Commission from obtaining a clear picture of the evolving structure of the entire market, and addressing competitive concerns as they arise. . . . Therefore, if the Commission exclusively relied on individual complaints, it would only become aware of specific . . . problems if and when the individual complainant's interests coincided with those of the interest of the overall 'public.'"^[18]

42. Finally, we note that there is currently significant uncertainty regarding the future enforcement of open Internet principles and what constitutes appropriate network management, particularly in the wake of the court of appeals' vacatur of the *Comcast Network Management Practices Order*. A number of commenters, including leading broadband providers, recognize the benefits of greater predictability regarding open Internet protections.^[19] Broadband providers benefit from increased certainty that they can reasonably manage their networks and innovate with respect to network technologies and business models.^[20] For those who communicate and innovate on the Internet,^[21] and for investors in edge technologies,^[22] there is great value in having confidence that the Internet will remain open, and that there will be a forum available to bring complaints about violations of open Internet standards.^[23] End users also stand to benefit from assurances that services on which they depend "won't suddenly be pulled out from under them, held ransom to extra payments either from the sites or from them."^[24] Providing clear yet flexible rules of the road that enable the Internet to continue to flourish is the central goal of the action we take today.^[25]

From: Jennifer Tatal
Sent: Tuesday, April 29, 2014 5:49 PM
To: Jonathan Sallet
Cc: Stephanie Weiner
Subject: Re: OI-Cost benefit analysis

I don't know but I doubt it. The Executive Orders on the subject hadn't issued and we weren't focused on the issue at that time.

From: Jonathan Sallet
Sent: Tuesday, April 29, 2014 05:06 PM
To: Jennifer Tatal
Cc: Stephanie Weiner
Subject: Fw: OI-Cost benefit analysis

Was there cost/benefit done in the 2009 NPRM?

(b) (5)

From: Jennifer Tatal
Sent: Tuesday, April 29, 2014 5:49 PM
To: Jonathan Sallet
Cc: Stephanie Weiner
Subject: Re: OI-Cost benefit analysis

(b) (5)

From: Jonathan Sallet
Sent: Tuesday, April 29, 2014 05:06 PM
To: Jennifer Tatal
Cc: Stephanie Weiner
Subject: Fw: OI-Cost benefit analysis

(b) (5)

From: Tim Brennan
Sent: Tuesday, April 29, 2014 05:02 PM
To: Chuck Needy; Jennifer Tatel
Cc: Stephanie Weiner; Jonathan Sallet
Subject: RE: OI-Cost benefit analysis

The short answer, and perhaps the long answer, is no. The closest thing is that information is being sought on the costs of conforming to minimum quality standards or the costs of providing higher quality service. I don't think there's anything that quantifies benefits in terms of enhanced competition, consumer welfare, innovation, etc. The relevant legal test (if I can practice law without a license) is whether a policy advances telecommunications deployment. Stephanie Weiner, who shepherded the draft through the process, may remember something I don't.

For what it may be worth, my impression is that policies designed to make markets more competitive rarely are subjected to cost-benefit tests, whether it's here, at the Antitrust Division, or the FTC.

I also copied Jon Sallet on this in case he hasn't seen Rep. Blackburn's request. If it isn't obvious, don't send this as a response to the Representative.

Tim

From: Chuck Needy
Sent: Tuesday, April 29, 2014 4:30 PM
To: Jennifer Tatel
Cc: Tim Brennan
Subject: RE: OI-Cost benefit analysis

No, I will ask Tim if he knows of any FCC economist doing CBA on that item -- Chuck

From: Jennifer Tatel
Sent: Tuesday, April 29, 2014 4:28 PM
To: Chuck Needy
Subject: Fw: OI-Cost benefit analysis

Chuck, please see below. Did you do any CBA work with respect to the Open Internet NPRM currently on circulation?

Thanks,
Jennifer

From: David Toomey
Sent: Tuesday, April 29, 2014 04:16 PM
To: Jennifer Tatel
Subject: OI-Cost benefit analysis

Jennifer,

As I think you know, Rep. Blackburn wrote to us on Open Internet. Among other things, she wants a cost/benefit analysis. I was told I should ask you about this. Can you please give me a buzz when you're free? Thanks.

Dave

David Toomey

3

HOG-01-001318

From: Tim Brennan
Sent: Tuesday, April 29, 2014 05:02 PM
To: Chuck Needy; Jennifer Tatel
Cc: Stephanie Weiner; Jonathan Sallet
Subject: RE: OI-Cost benefit analysis

(b) (5)

From: Chuck Needy
Sent: Tuesday, April 29, 2014 4:30 PM
To: Jennifer Tatel
Cc: Tim Brennan
Subject: RE: OI-Cost benefit analysis

(b) (5)

From: Jennifer Tatel
Sent: Tuesday, April 29, 2014 4:28 PM
To: Chuck Needy
Subject: Fw: OI-Cost benefit analysis

(b) (5)

From: David Toomey
Sent: Tuesday, April 29, 2014 04:16 PM
To: Jennifer Tatel
Subject: OI-Cost benefit analysis

(b) (5)

David Toomey

3

Andrea Kearney

From: Philip Verveer
Sent: Thursday, April 24, 2014 6:16 PM
To: Jonathan Sallet
Cc: Stephanie Weiner
Subject: RE: First Set -- OI Articles Published After blog/conf call...

Jon

I'm happy with this formulation.

There is an important point that could be amplified in the coming days: the FCC gets to engineer (within some reason, I suppose) the capacity of the "one common open lane." That lane could and should be entirely adequate for any common, known uses when the Commission gets around to prescribing it.

Phil

From: Jonathan Sallet
Sent: Thursday, April 24, 2014 2:59 PM
To: Philip Verveer
Cc: Stephanie Weiner
Subject: Fw: First Set -- OI Articles Published After blog/conf call...

Phil, what do you think?

From: (b) (5)
Sent: Thursday, April 24, 2014 02:52 PM
To: Gigi Sohn; Shannon Gilson; Neil Grace; Mark Wigfield; Sara Morris; Jonathan Sallet; Maria Kirby; Renee Gregory; Daniel Alvarez; Roger Sherman; Ruth Milkman; Stephanie Weiner; Rochelle Cohen; Julie Veach; Philip Verveer
Subject: RE: First Set -- OI Articles Published After blog/conf call...

So...the conclusion from these articles is that we've not put a spike in it.

The "Fast lane" continues to be the hot button. I'd suggest the following framing:

1. There will continue to be one common open lane for the Internet. If that lane is diminished or its service hindered it will be a violation of the Open Internet rules.
2. Historically, the only proscription on network behavior -- whether in Title II common carriage, or in the 2010 Open Internet Order -- has been whether the action was unreasonable. It has been successful for decades and remains the heart of the Title II regulation that some prefer.
3. We are applying a test of reasonableness. The court said that whether a practice was commercially reasonable was the appropriate vehicle for our jurisdiction.
4. Here is how the new proposal interprets what is NOT commercially reasonable:
 - a. Something that harms a consumer's ability to use the Internet,
 - b. Something that favors an affiliated company,
 - c. Something that harms a company's ability to compete,
 - d. Something that harms the openness of the Internet
5. If anything triggers "a" through "d" above it will trigger the proposed Open Internet rule as an impermissible activity.

Thoughts???

1

HOG-01-001332

Andrea Kearney

From: Philip Verveer
Sent: Thursday, April 24, 2014 6:16 PM
To: Jonathan Sallet
Cc: Stephanie Weiner
Subject: RE: First Set -- OI Articles Published After blog/conf call...

(b) (5)

From: Jonathan Sallet
Sent: Thursday, April 24, 2014 2:59 PM
To: Philip Verveer
Cc: Stephanie Weiner
Subject: Fw: First Set -- OI Articles Published After blog/conf call...

(b) (5)

From: (b) (5)
Sent: Thursday, April 24, 2014 02:52 PM
To: Gigi Sohn; Shannon Gilson; Neil Grace; Mark Wigfield; Sara Morris; Jonathan Sallet; Maria Kirby; Renee Gregory; Daniel Alvarez; Roger Sherman; Ruth Milkman; Stephanie Weiner; Rochelle Cohen; Julie Veach; Philip Verveer
Subject: RE: First Set -- OI Articles Published After blog/conf call...

(b) (5)

1

Andrea Kearney

From: Michael Jacobs on behalf of WCBChief
Sent: Wednesday, April 30, 2014 1:14 PM
To: WCBChief; Julie Veach; Stephanie Weiner; Jonathan Sallet; Randy Clarke; Carol Simpson
Subject: RE: OI at Wireless WAM

Just an FYI that this is the *only* item on the Wireless WAM agenda today.

-----Original Appointment-----

From: Michael Jacobs **On Behalf Of** WCBChief
Sent: Tuesday, April 29, 2014 4:00 PM
To: WCBChief; Julie Veach [REDACTED]; Stephanie Weiner; Jonathan Sallet; Randy Clarke; Carol Simpson
Subject: OI at Wireless WAM
When: Wednesday, April 30, 2014 2:30 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference Room 1

1

HOG-01-001347

Andrea Kearney

From: Michael Jacobs on behalf of WCBChief
Sent: Wednesday, April 30, 2014 1:14 PM
To: WCBChief; Julie Veach; Stephanie Weiner; Jonathan Sallet; Randy Clarke; Carol Simpson
Subject: RE: OI at Wireless WAM

(b) (5)

-----Original Appointment-----

From: Michael Jacobs **On Behalf Of** WCBChief
Sent: Tuesday, April 29, 2014 4:00 PM
To: WCBChief; Julie Veach [REDACTED]; Stephanie Weiner; Jonathan Sallet; Randy Clarke; Carol Simpson
Subject: OI at Wireless WAM
When: Wednesday, April 30, 2014 2:30 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference Room 1

1

Andrea Kearney

From: Mark Wigfield
Sent: Monday, May 05, 2014 1:10 PM
To: Jonathan Sallet; Stephanie Weiner; Shannon Gilson; Matthew DelNero
Subject: FW: Authority for no-blocking rule?

I think the answer to his question below is:

- We follow the guidance of the court, reinstating the blocking rule, barring blocking of service of levels that broadly meets the needs of consumers and entrepreneurs, while allowing individualized negotiations above that level.

From: Jon Brodtkin [mailto:]
Sent: Monday, May 05, 2014 12:32 AM
To: Mark Wigfield; Neil Grace
Subject: Authority for no-blocking rule?

Hopefully a quick question for the morning... did Tom Wheeler ever say what authority the FCC has to prevent ISPs from blocking content? Wheeler's post from a couple weeks back (<http://www.fcc.gov/blog/setting-record-straight-fcc-s-open-internet-rules>) says his NPRM will propose "that no legal content may be blocked." But obviously, the court said the FCC can't impose no-blocking rules with Section 706 authority as I understood it, or at least not with the justification the FCC used. Can you clarify what legal authority the FCC has to enforce a no-blocking rule that wouldn't involve Title II?

Jon Brodtkin
Senior IT Reporter
[Ars Technica](#)
Ars Orbiting HQ

Andrea Kearney

From: Mark Wigfield
Sent: Monday, May 05, 2014 1:10 PM
To: Jonathan Sallet; Stephanie Weiner; Shannon Gilson; Matthew DelNero
Subject: FW: Authority for no-blocking rule?

(b) (5)

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Sent: Monday, May 05, 2014 12:32 AM
To: Mark Wigfield; Neil Grace
Subject: Authority for no-blocking rule?

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Jon Brodtkin
Senior IT Reporter
[Ars Technica](#)
Ars Orbiting HQ

Andrea Kearney

From: Claude Aiken
Sent: Monday, May 05, 2014 3:19 PM
To: Stephanie Weiner
Subject: RE: Petition

Thanks much.

07-52 is the original Broadband Industry Practices and Open Internet docket.

*** Non-Public: For Internal Use Only ***

-----Original Message-----
From: Stephanie Weiner
Sent: Monday, May 05, 2014 3:17 PM
To: Claude Aiken
Subject: FW: Petition

The petition is at the link below. It was filed in Docket # 07-52.

-----Original Message-----
From: Gigi Sohn
Sent: Monday, May 05, 2014 3:13 PM
To: Stephanie Weiner
Subject: FW: Petition

Sorry - I've already sent it to the others.

-----Original Message-----
From: Chris Riley [redacted]
Sent: Monday, May 05, 2014 1:59 PM
To: Gigi Sohn
Subject: Re: Petition

To save you time:
<https://blog.mozilla.org/netpolicy/2014/05/05/protecting-net-neutrality-and-the-open-internet/>
and <https://blog.mozilla.org/netpolicy/files/2014/05/Mozilla-Petition.pdf>

On 5/5/14 10:44 AM, Gigi Sohn wrote:
> Did you file? I haven't seen anything. Please send ASAP if you can. And yes, we'll probably want to get on the phone at some point. G

>
> -----Original Message-----
> From: Chris Riley [mailto:[redacted]]
> Sent: Monday, May 05, 2014 1:03 PM
> To: Gigi Sohn
> Subject: Petition
>
> Gigi,

HOGR-OI-001353

Andrea Kearney

From: Claude Aiken
Sent: Monday, May 05, 2014 3:19 PM
To: Stephanie Weiner
Subject: RE: Petition

(b) (5)

*** Non-Public: For Internal Use Only ***

-----Original Message-----
From: Stephanie Weiner
Sent: Monday, May 05, 2014 3:17 PM
To: Claude Aiken
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(b) (5)

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(b) (5)

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> Sent: Monday, May 05, 2014 1:03 PM
> To: Gigi Sohn
> Subject: Petition
>
> Gigi,

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Andrea Kearney

From: Rebekah Goodheart
Sent: Tuesday, May 06, 2014 10:36 AM
To: Stephanie Weiner; Daniel Alvarez; Jonathan Sallet
Subject: RE: Time for a Quick call re: Open Internet

You probably already know this but FYI this may be the source of some of the confusion.

<http://thehill.com/special-reports/technology-may-5-2014/205260-fccs-grab-for-new-regulatory-power-could-go-beyond>

From: Stephanie Weiner
Sent: Tuesday, May 06, 2014 10:23 AM
To: Rebekah Goodheart; Daniel Alvarez; Jonathan Sallet
Subject: RE: Time for a Quick call re: Open Internet

No. You are correct that the item does not cover content. It is outside the scope of the NPRM. I conferred with Jon as well and there we know of no plans to change this.

From: Rebekah Goodheart
Sent: Tuesday, May 06, 2014 9:55 AM
To: Daniel Alvarez; Jonathan Sallet; Stephanie Weiner
Subject: FW: Time for a Quick call re: Open Internet

I keep hearing the concern that the item discusses content, which I don't see in the item. Are there any plans to make edits to this effect?

From: Ross Lieberman [mailto: [REDACTED]]
Sent: Tuesday, May 06, 2014 9:54 AM
To: Rebekah Goodheart
Subject: Time for a Quick call re: Open Internet

Rebekah- Do you have time for a quick call today regarding the Open Internet NPRM. My understanding is that the item discusses, and might potentially reach to some tentative conclusion on "content neutrality" which is speaks to whether content and edge providers should also have to follow the principles of the Open Internet rules (e.g. no blocking, no discrimination) in their arrangements with broadband Internet service providers. For instance, should they be permitted to block consumer access to their content for customers of some ISPs and not others. Do you have 5-10 minutes for a phone call? This is an issue VERY important to my members, and so any insight would be appreciated. My day is pretty flexible, except between 1 and 3pm.

Thanks,

Ross J. Lieberman
Senior Vice President of Government Affairs
American Cable Association
[REDACTED]

twitter.com/ROSSatACA

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HOCR-01-001356

Andrea Kearney

From: Rebekah Goodheart
Sent: Tuesday, May 06, 2014 10:36 AM
To: Stephanie Weiner; Daniel Alvarez; Jonathan Sallet
Subject: RE: Time for a Quick call re: Open Internet

(b) (5)

<http://thehill.com/special-reports/technology-may-5-2014/205260-fccs-grab-for-new-regulatory-power-could-go-beyond>

From: Stephanie Weiner
Sent: Tuesday, May 06, 2014 10:23 AM
To: Rebekah Goodheart; Daniel Alvarez; Jonathan Sallet
Subject: RE: Time for a Quick call re: Open Internet

(b) (5)

From: Rebekah Goodheart
Sent: Tuesday, May 06, 2014 9:55 AM
To: Daniel Alvarez; Jonathan Sallet; Stephanie Weiner
Subject: FW: Time for a Quick call re: Open Internet

(b) (5)

From: Ross Lieberman [mailto: [REDACTED]]
Sent: Tuesday, May 06, 2014 9:54 AM
To: Rebekah Goodheart
Subject: Time for a Quick call re: Open Internet

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Thanks,

Ross J. Lieberman
Senior Vice President of Government Affairs
American Cable Association
[REDACTED]

twitter.com/ROSSatACA

1

Andrea Kearney

From: Shannon Gilson
Sent: Tuesday, May 06, 2014 1:46 PM
To: Stephanie Weiner
Subject: Fw: Comment on open internet plan (Comment by 1:30)

Are good?

From: Shannon Gilson
Sent: Tuesday, May 06, 2014 01:19 PM
To: Mark Wigfield; Neil Grace; Gigi Sohn; Sara Morris; Jonathan Sallet; Stephanie Weiner; Daniel Alvarez; Rochelle Cohen; Philip Verveer
Subject: RE: Comment on open internet plan (Comment by 1:30)

A few edits:

"Today, there are no rules on the books to ensure the Internet remains an open platform for innovation and expression. That's why Chairman Wheeler is acting quickly to put forth a proposal to protect the open Internet for public comment. All options remain on the table."

Background

- Protecting the Open Internet is a top priority. That's why the FCC drafted a proposal for public input in less than 90 days after the court struck down two of the three Open Internet rules after four years of litigation.
- After a decade of attempts, there are no legally enforceable rules to ensure that consumers and entrepreneurs can't be blocked or discriminated against online. Open Internet rules have been struck down by the Courts twice. Your Internet Service Provider can slow down your Internet service or block your access to any website they choose, and consumers don't have any rights to stop this type of bad behavior.
- In its *Verizon v. FCC* decision the D.C. Circuit laid out a blueprint for how the FCC could use Section 706 of the Telecommunications Act of 1996 to create Open Internet rules that would stick.
- However, the Chairman has been clear, all regulatory options remain on the table. His proposal will seek public comment on the best path forward. <http://www.fcc.gov/blog/finding-best-path-forward-protect-open-internet>

From: Shannon Gilson
Sent: Tuesday, May 06, 2014 1:06 PM
To: Mark Wigfield; Neil Grace; Gigi Sohn; Sara Morris; Jonathan Sallet; Stephanie Weiner; Daniel Alvarez; Rochelle Cohen; Philip Verveer
Subject: FW: Comment on open internet plan (Comment by 1:30)

I talked to Matt off the record for some time. This is going to be another TII crowd piece. I am going to send him the below at 1:30 unless I hear otherwise.

On the record attributable to a spokesperson

"Today, there are no rules on the books to ensure the Internet remains an open platform for innovation and expression. That's why Chairman Wheeler acted quickly to draft a proposal to protect the open Internet for public comment. All options remain on the table."

Background

HOGR-OI-001357

Andrea Kearney

From: Shannon Gilson
Sent: Tuesday, May 06, 2014 1:46 PM
To: Stephanie Weiner
Subject: Fw: Comment on open internet plan (Comment by 1:30)

(b) (5)

From: Shannon Gilson
Sent: Tuesday, May 06, 2014 01:19 PM
To: Mark Wigfield; Neil Grace; Gigi Sohn; Sara Morris; Jonathan Sallet; Stephanie Weiner; Daniel Alvarez; Rochelle Cohen; Philip Verveer
Subject: RE: Comment on open internet plan (Comment by 1:30)

(b) (5)

From: Shannon Gilson
Sent: Tuesday, May 06, 2014 1:06 PM
To: Mark Wigfield; Neil Grace; Gigi Sohn; Sara Morris; Jonathan Sallet; Stephanie Weiner; Daniel Alvarez; Rochelle Cohen; Philip Verveer
Subject: FW: Comment on open internet plan (Comment by 1:30)

(b) (5)

1

Andrea Kearney

From: Philip Verveer
Sent: Tuesday, May 06, 2014 5:54 PM
To: Stephanie Weiner
Cc: Jonathan Sallet
Subject: RE: Moving on Re: [olac] OIAC - touching base

I think a thank you for your service is sufficient.

From: Stephanie Weiner
Sent: Tuesday, May 06, 2014 5:24 PM
To: Philip Verveer
Cc: Jonathan Sallet
Subject: FW: Moving on Re: [olac] OIAC - touching base

Please see email below. Let me know if you want me to take any action or convey any message other than thanking Leslie for her service.

From: Leslie Daigle [mailto:]
Sent: Monday, May 05, 2014 1:30 PM
To: Stephanie Weiner
Cc: David Clark
Subject: Moving on Re: [olac] OIAC - touching base

Stephanie,

I wanted to let you know that I have decided to resign from my position as Chief Internet Technology Officer for the Internet Society. My last day will be May 16. As such, I am stepping down from the OIAC as well.

If the Committee is re-activated, please do feel free to contact the Internet Society CEO, Kathy Brown [] for any appropriate technical successor from this organization.

Thanks, and best wishes for continued success with the committee!

Leslie.

On Mar 20, 2014, at 10:12 AM, Stephanie Weiner <[]> wrote:

Dear Committee Members,

While I have had the pleasure to speak with a few of you on an ad hoc basis, I wanted to touch base more generally.

As you know, on January 14, 2014, the D.C. Circuit issued a decision in the legal challenge to the 2010 Open Internet rules. That decision affirmed the Commission's authority to regulate broadband Internet access service and upheld the transparency rule, but vacated and remanded to the Commission the no-blocking and no unreasonable discrimination rules.

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HOG-01-001359

Andrea Kearney

From: Philip Verveer
Sent: Tuesday, May 06, 2014 5:54 PM
To: Stephanie Weiner
Cc: Jonathan Sallet
Subject: RE: Moving on Re: [olac] OIAC - touching base

(b) (5)

From: Stephanie Weiner
Sent: Tuesday, May 06, 2014 5:24 PM
To: Philip Verveer
Cc: Jonathan Sallet
Subject: FW: Moving on Re: [olac] OIAC - touching base

(b) (5)

From: Leslie Daigle [mailto:]
Sent: Monday, May 05, 2014 1:30 PM
To: Stephanie Weiner
Cc: David Clark
Subject: Moving on Re: [olac] OIAC - touching base

Stephanie,

I wanted to let you know that I have decided to resign from my position as Chief Internet Technology Officer for the Internet Society. My last day will be May 16. As such, I am stepping down from the OIAC as well.

If the Committee is re-activated, please do feel free to contact the Internet Society CEO, Kathy Brown [] for any appropriate technical successor from this organization.

Thanks, and best wishes for continued success with the committee!

Leslie.

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Dear Committee Members,

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Andrea Kearney

From: Jonathan Sallet
Sent: Wednesday, May 07, 2014 9:56 AM
To: Stephanie Weiner; Suzanne Tetreault
Subject: Re: ACA

You bet

From: Stephanie Weiner
Sent: Wednesday, May 07, 2014 09:47 AM
To: Jonathan Sallet; Suzanne Tetreault
Subject: RE: ACA

Jon,

As you know this the 'content neutrality' issue that I expect will come up within the context of legal authority under 706 and parity with OI.

Suzanne and I chatted and we think Tejas likely handled this for OGC when it came up with TWC and CBS last summer. So there is not an immediate answer to who the right person is and whether that person is in OGC Ad Law. Can we talk later to get a better sense from you about what priority, timing, and work product you envision for this? That would give us a better sense of how to staff.

Thanks,
Stephanie

From: Jonathan Sallet
Sent: Wednesday, May 07, 2014 8:40 AM
To: Suzanne Tetreault
Cc: Stephanie Weiner
Subject: ACA

Who should look at this?

**ACA SAYS VIACOM IS BLOCKING MEMBERS'
SUBSCRIBERS FROM ONLINE CONTENT**

The American Cable Association today criticized Viacom, Inc., for denying its member companies' broadband subscribers access to programming hosted on Viacom websites, including subscribers who do not subscribe to the video offerings of the ACA members.

"Viacom took this punitive step against these companies in retaliation for their recent refusals to sign cable programming renewal contracts seeking exorbitant fee increases for Viacom networks with low ratings and minimal viewer interest. As part of its retaliatory efforts, Viacom's action is impacting access to a subset of broadband customers, also known as 'cord cutters,' who are not video customers of these companies," ACA President and CEO Matthew Polka said.

"We know that all broadband Internet subscribers of two ACA members -- Cable ONE and Liberty

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HOG-01-001361

Andrea Kearney

From: Jonathan Sallet
Sent: Wednesday, May 07, 2014 9:56 AM
To: Stephanie Weiner; Suzanne Tetreault
Subject: Re: ACA

(b) (5)

From: Stephanie Weiner
Sent: Wednesday, May 07, 2014 09:47 AM
To: Jonathan Sallet; Suzanne Tetreault
Subject: RE: ACA

(b) (5)

From: Jonathan Sallet
Sent: Wednesday, May 07, 2014 8:40 AM
To: Suzanne Tetreault
Cc: Stephanie Weiner
Subject: ACA

(b) (5)

**ACA SAYS VIACOM IS BLOCKING MEMBERS'
SUBSCRIBERS FROM ONLINE CONTENT**

(b) (5)

1

Andrea Kearney

From: Kristine Fargotstein
Sent: Wednesday, May 07, 2014 2:27 PM
To: Walter Boswell; Stephanie Weiner
Subject: RE: Moving on Re: [olac] OIAC - touching base

Thanks Walt. I just made a note in my calendar to remove Leslie's name from the FACA Database on May 16 and will also update the membership contact list we retain internally to reflect this change. Thanks again! Kristine

From: Walter Boswell
Sent: Wednesday, May 07, 2014 12:52 PM
To: Stephanie Weiner
Cc: Kristine Fargotstein
Subject: RE: Moving on Re: [olac] OIAC - touching base

Hi Stephanie,

All that needs to be done is to remove the resigning member from the committee's membership shown in GSA's FACA database.

Walt

From: Stephanie Weiner
Sent: Wednesday, May 07, 2014 11:30 AM
To: Walter Boswell
Cc: Kristine Fargotstein
Subject: FW: Moving on Re: [olac] OIAC - touching base

Hi Kristine and Walter,

Here is another resignation from the OIAC. Let me know how we should process internally.

Thanks,
Stephanie

From: Leslie Daigle [mailto:]
Sent: Monday, May 05, 2014 1:30 PM
To: Stephanie Weiner
Cc: David Clark
Subject: Moving on Re: [olac] OIAC - touching base

Stephanie,

I wanted to let you know that I have decided to resign from my position as Chief Internet Technology Officer for the Internet Society. My last day will be May 16. As such, I am stepping down from the OIAC as well.

If the Committee is re-activated, please do feel free to contact the Internet Society CEO, Kathy Brown [] for any appropriate technical successor from this organization.

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HOG-01-001372

Andrea Kearney

From: Kristine Fargotstein
Sent: Wednesday, May 07, 2014 2:27 PM
To: Walter Boswell; Stephanie Weiner
Subject: RE: Moving on Re: [olac] OIAC - touching base

(b) (6)

From: Walter Boswell
Sent: Wednesday, May 07, 2014 12:52 PM
To: Stephanie Weiner
Cc: Kristine Fargotstein
Subject: RE: Moving on Re: [olac] OIAC - touching base

(b) (6)

From: Stephanie Weiner
Sent: Wednesday, May 07, 2014 11:30 AM
To: Walter Boswell
Cc: Kristine Fargotstein
Subject: FW: Moving on Re: [olac] OIAC - touching base

(b) (6)

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Sent: Monday, May 05, 2014 1:30 PM
To: Stephanie Weiner
Cc: David Clark
Subject: Moving on Re: [olac] OIAC - touching base

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If the Committee is re-activated, please do feel free to contact the Internet Society CEO, Kathy Brown [] for any appropriate technical successor from this organization.

1

Andrea Kearney

From: Julie Veach
Sent: Thursday, May 08, 2014 9:20 AM
To: Stephanie Weiner
Subject: RE: Open Internet Working Grp - weekly meeting

I'm sorry, I just meant was this something you thought was necessary or you were channeling Jon's instructions.

If you really think it's necessary, WCB will find someone, but if folks are feeling left out I think they don't have enough to do.

From: Stephanie Weiner
Sent: Thursday, May 08, 2014 9:19 AM
To: Julie Veach
Subject: Re: Open Internet Working Grp - weekly meeting

I'll ask him.

From: Julie Veach
Sent: Thursday, May 08, 2014 09:15 AM
To: Stephanie Weiner
Subject: RE: Open Internet Working Grp - weekly meeting

Is Jon insisting?

From: Stephanie Weiner
Sent: Thursday, May 08, 2014 9:11 AM
To: Julie Veach
Subject: Re: Open Internet Working Grp - weekly meeting

I totally agree with you! But I think some folks are feeling left out. Can probably be a very brief mtg if that makes it any better :).

From: Julie Veach
Sent: Thursday, May 08, 2014 09:00 AM
To: Stephanie Weiner
Subject: RE: Open Internet Working Grp - weekly meeting

If there isn't anything to talk about, I think morale would be more improved by granting folks an hour back in their lives. ☺ If there is stuff that actually needs discussing, then of course we will help out.

From: Stephanie Weiner
Sent: Thursday, May 08, 2014 8:59 AM
To: Julie Veach
Cc: Matthew DelNero; Jonathan Sallet
Subject: Re: Open Internet Working Grp - weekly meeting

Was actually just going to email the two of you. I think we need to hold the mtg for nothing else to show appreciation and maintain morale.

1

HOGI-OI-001374

Andrea Kearney

From: Julie Veach
Sent: Thursday, May 08, 2014 9:20 AM
To: Stephanie Weiner
Subject: RE: Open Internet Working Grp - weekly meeting

(b) (5)

From: Stephanie Weiner
Sent: Thursday, May 08, 2014 9:19 AM
To: Julie Veach
Subject: Re: Open Internet Working Grp - weekly meeting

(b) (5)

From: Julie Veach
Sent: Thursday, May 08, 2014 09:15 AM
To: Stephanie Weiner
Subject: RE: Open Internet Working Grp - weekly meeting

(b) (5)

From: Stephanie Weiner
Sent: Thursday, May 08, 2014 9:11 AM
To: Julie Veach
Subject: Re: Open Internet Working Grp - weekly meeting

(b) (5)

From: Julie Veach
Sent: Thursday, May 08, 2014 09:00 AM
To: Stephanie Weiner
Subject: RE: Open Internet Working Grp - weekly meeting

(b) (5)

From: Stephanie Weiner
Sent: Thursday, May 08, 2014 8:59 AM
To: Julie Veach
Cc: Matthew DelNero; Jonathan Sallet
Subject: Re: Open Internet Working Grp - weekly meeting

(b) (5)

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But I need this time today to work on the notice issue and other revisions in the draft. Would one of you or Carol be willing to host the mtg? I'd be in your debt.

Stephanie

From: Julie Veach
Sent: Thursday, May 08, 2014 08:49 AM
To: Stephanie Weiner
Cc: Matthew DelNero
Subject: RE: Open Internet Working Grp - weekly meeting

Anything special for today, Stephanie?

-----Original Appointment-----

From: Stephanie Weiner
Sent: Wednesday, March 05, 2014 1:55 PM
To: Stephanie Weiner; Carol Simpson; Christopher Killion; Claude Aiken; Henning Schulzrinne; Jonathan Chambers; Jonathan Sallet; Julie Veach; Mark Stone; Matthew DelNero; Nese Guendelsberger; Philip Verveer; Robert Cannon; Roger Sherman; Rosemary McEnery; Thomas Spavins; Tim Brennan
Cc: Sharina Smith
Subject: Open Internet Working Grp - weekly meeting
When: Thursday, May 08, 2014 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conf. Rm. 5

(b) (5)



From: Julie Veach
Sent: Thursday, May 08, 2014 08:49 AM
To: Stephanie Weiner
Cc: Matthew DelNero
Subject: RE: Open Internet Working Grp - weekly meeting

(b) (5)



-----Original Appointment-----

From: Stephanie Weiner
Sent: Wednesday, March 05, 2014 1:55 PM
To: Stephanie Weiner; Carol Simpson; Christopher Killion; Claude Aiken; Henning Schulzrinne; Jonathan Chambers; Jonathan Sallet; Julie Veach; Mark Stone; Matthew DelNero; Nese Guendelsberger; Philip Verveer; Robert Cannon; Roger Sherman; Rosemary McEnery; Thomas Spavins; Tim Brennan
Cc: Sharina Smith
Subject: Open Internet Working Grp - weekly meeting
When: Thursday, May 08, 2014 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conf. Rm. 5

Andrea Kearney

From: Jonathan Sallet
Sent: Thursday, May 08, 2014 9:32 AM
To: Stephanie Weiner; Julie Veach
Cc: Matthew DelNero
Subject: Re: Open Internet Working Grp - weekly meeting

I can't for which I apologize.

From: Stephanie Weiner
Sent: Thursday, May 08, 2014 08:58 AM
To: Julie Veach
Cc: Matthew DelNero; Jonathan Sallet
Subject: Re: Open Internet Working Grp - weekly meeting

Was actually just going to email the two of you. I think we need to hold the mtg for nothing else to show appreciation and maintain morale.

But I need this time today to work on the notice issue and other revisions in the draft. Would one of you or Carol be willing to host the mtg? I'd be in your debt.

Stephanie

From: Julie Veach
Sent: Thursday, May 08, 2014 08:49 AM
To: Stephanie Weiner
Cc: Matthew DelNero
Subject: RE: Open Internet Working Grp - weekly meeting

Anything special for today, Stephanie?

-----Original Appointment-----
From: Stephanie Weiner
Sent: Wednesday, March 05, 2014 1:55 PM
To: Stephanie Weiner; Carol Simpson; Christopher Killion; Claude Aiken; Henning Schulzrinne; Jonathan Chambers; Jonathan Sallet; Julie Veach; Mark Stone; Matthew DelNero; Nese Guendelsberger; Philip Verveer; Robert Cannon; Roger Sherman; Rosemary McEnery; Thomas Spavins; Tim Brennan
Cc: Sharina Smith
Subject: Open Internet Working Grp - weekly meeting
When: Thursday, May 08, 2014 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conf. Rm. 5

1

HOGR-OI-001376

Andrea Kearney

From: Jonathan Sallet
Sent: Thursday, May 08, 2014 9:32 AM
To: Stephanie Weiner; Julie Veach
Cc: Matthew DelNero
Subject: Re: Open Internet Working Grp - weekly meeting

(b) (5)

From: Stephanie Weiner
Sent: Thursday, May 08, 2014 08:58 AM
To: Julie Veach
Cc: Matthew DelNero; Jonathan Sallet
Subject: Re: Open Internet Working Grp - weekly meeting

(b) (5)

From: Julie Veach
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1

Andrea Kearney

From: Jonathan Sallet
Sent: Thursday, May 08, 2014 9:58 AM
To: Stephanie Weiner
Subject: Re: Your vote re today's OI meeting?

Second thought, I think you should cancel

From: Stephanie Weiner
Sent: Thursday, May 08, 2014 09:52 AM
To: Jonathan Sallet
Subject: RE: Your vote re today's OI meeting?

Yes – but do you still believe it should go forward (with WCB hosting it)?

From: Jonathan Sallet
Sent: Thursday, May 08, 2014 9:38 AM
To: Stephanie Weiner
Subject: Re: Your vote re today's OI meeting?

I can't make it. And you don't have time.

From: Stephanie Weiner
Sent: Thursday, May 08, 2014 09:18 AM
To: Jonathan Sallet
Subject: Your vote re today's OI meeting?

Julie thinks we should just cancel. I think we should hold it.

What do you think?

From: Julie Veach
Sent: Thursday, May 08, 2014 09:15 AM
To: Stephanie Weiner
Subject: RE: Open Internet Working Grp - weekly meeting

Is Jon insisting?

From: Stephanie Weiner
Sent: Thursday, May 08, 2014 9:11 AM
To: Julie Veach
Subject: Re: Open Internet Working Grp - weekly meeting

I totally agree with you! But I think some folks are feeling left out. Can probably be a very brief mtg if that makes it any better :).

From: Julie Veach
Sent: Thursday, May 08, 2014 09:00 AM
To: Stephanie Weiner

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HOG-01-001377

Andrea Kearney

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(b) (5)

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(b) (5)

From: Julie Veach
Sent: Thursday, May 08, 2014 09:00 AM
To: Stephanie Weiner

1

Subject: RE: Open Internet Working Grp - weekly meeting

If there isn't anything to talk about, I think morale would be more improved by granting folks an hour back in their lives. ☺ If there is stuff that actually needs discussing, then of course we will help out.

From: Stephanie Weiner
Sent: Thursday, May 08, 2014 8:59 AM
To: Julie Veach
Cc: Matthew DelNero; Jonathan Sallet
Subject: Re: Open Internet Working Grp - weekly meeting

Was actually just going to email the two of you. I think we need to hold the mtg for nothing else to show appreciation and maintain morale.

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Subject: Open Internet Working Grp - weekly meeting
When: Thursday, May 08, 2014 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conf. Rm. 5

Andrea Kearney

From: Thomas Spavins
Sent: Thursday, May 08, 2014 10:30 AM
To: Tim Brennan; Robert Cannon; Henning Schulzrinne
Cc: Open Internet Working Group
Subject: FW: Do glance: A Billion Homes towards a gigabit Webinar tomorrow

Tim, Bob, Henning:

One of the issues to be addressed with respect to Tim's idea for quality standards is the level of quality which is to be the floor. The attached e-mail gives a talk that suggested that 100MB may be a reasonable near term goal. David Clark of MIT is an active participant who we have seen on other issues. Tom

From: Dave Burstein [mailto: [REDACTED]]
Sent: Wednesday, May 07, 2014 7:47 PM
To: work [REDACTED]
Subject: Do glance: A Billion Homes towards a gigabit Webinar tomorrow

Gov and policy people: You can't understand the net neutrality debate without the best data on whether networks are really congested. Dave Clark of MIT has the facts and they are very different from what most of Washington believes. Dave is a net neutrality skeptic, I believe, but facts are facts. Cioffi and Clark will also explain why the engineers think 100 megabits and more is becoming practical and affordable. Do join or ask me for a transcript after. db Here's the invite.

Folks -

Two world class experts will point to the way to affordable Internet gigabits and the Internet soon to come. Internet Hall of Famers John Cioffi of Stanford and MIT's Dave Clark lead a Marconi Society Expertise webinar. I'm moderating and guarantee it will be lively.

Thursday May 8 10 a.m. California, 1 p.m. New York, 6 p.m. London
No charge; just register at <http://bit.ly/1cNGfTK>

Short presentations and plenty of time for questions. Do join us.

Cioffi is working on ways to combine advanced DSL and WiFi to inexpensively deliver hundreds of megabits and even a gigabit. Vectored DSL, Cioffi's invention, is now proven to deliver 100 megabits over a short loop. Gigabit WiFi chips are now shipping. Combine the 10 or 30 WiFi's visible in most urban areas and a gigabit is in reach. He's CEO of ASSIA, developing some of the systems needed for this and managing DSL.

(Marconi fellow Cioffi also will speak at a very strong Upperside event in Paris May 21-22 on fast DSL. I'll be speaking as well. Say hello to the round fellow with a beard.)
<http://bit.ly/1c8GXwP>

Clark has recently done empirical work on network congestion - or lack thereof. ?Can

1
HOG-01-001379

Andrea Kearney

From: Thomas Spavins
Sent: Thursday, May 08, 2014 10:30 AM
To: Tim Brennan; Robert Cannon; Henning Schulzrinne
Cc: Open Internet Working Group
Subject: FW: Do glance: A Billion Homes towards a gigabit Webinar tomorrow

(b) (5)

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Clark has recently done empirical work on network congestion - or lack thereof. ?Can

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Andrea Kearney

From: Matthew DelNero
Sent: Friday, May 09, 2014 2:28 PM
To: Elizabeth Lyle; Diane Cornell
Cc: Stephanie Weiner
Subject: RE: SUNSHINE NOTICE

Thanks. That all sounds good to me.

Matt

From: Elizabeth Lyle
Sent: Friday, May 09, 2014 2:03 PM
To: Diane Cornell; Matthew DelNero
Cc: Stephanie Weiner
Subject: RE: SUNSHINE NOTICE

We don't think an OGC memo is necessary. It should suffice for OCH to send an email to CGB/CIO along the following lines:

"Consistent with our Sunshine and Ex Parte rules, please ensure that decisionmaking staff in the O.I. proceeding (including all staff in the relevant Bureaus) do not have access to the O.I. mailbox during the pendency of the Sunshine period for the O.I. NPRM, which will run from 11:59 pm on Wed., May 14 until the release of the item (targeted to be late afternoon Thurs., May 15)."

From: Elizabeth Lyle
Sent: Friday, May 09, 2014 12:20 PM
To: Diane Cornell; Matthew DelNero
Cc: Stephanie Weiner
Subject: RE: SUNSHINE NOTICE

I agree on all counts. We'll provide some language to send to CGB/CIO (I think it could come from OCH, but I'll check with others).

From: Diane Cornell
Sent: Friday, May 09, 2014 12:14 PM
To: Elizabeth Lyle; Matthew DelNero
Cc: Stephanie Weiner
Subject: RE: SUNSHINE NOTICE

I see no reason why we can't do what is apparently normally done for filings that come in during sunshine, ie hold them in a place that cannot be accessed by decision-making personnel. I don't see why we need to put out a PN on this (indeed, I've come to the view that we didn't need to do it even if sunshine were at the regular time). A PN would cause unnecessary confusion, and I don't see what it gets us that we don't get otherwise. (perhaps we could have a short memo from OGC instructing CGB/CIO staff to cordon off the e mails from decision-making personnel if you think we need to document)

Happy to discuss, of course.

1

HOG-01-001382

Andrea Kearney

From: Matthew DelNero
Sent: Friday, May 09, 2014 2:28 PM
To: Elizabeth Lyle; Diane Cornell
Cc: Stephanie Weiner
Subject: RE: SUNSHINE NOTICE

(b) (5)

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(b) (5)

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To: Elizabeth Lyle; Matthew DelNero
Cc: Stephanie Weiner
Subject: RE: SUNSHINE NOTICE

(b) (5)

1

diane

From: Elizabeth Lyle
Sent: Friday, May 09, 2014 11:18 AM
To: Matthew DelNero; Diane Cornell
Cc: Stephanie Weiner
Subject: RE: SUNSHINE NOTICE

Matt, let me check in with a couple of other folks and get back to this chain.

From: Matthew DelNero
Sent: Friday, May 09, 2014 10:46 AM
To: Diane Cornell; Elizabeth Lyle
Cc: Stephanie Weiner
Subject: FW: SUNSHINE NOTICE

Diane and Elizabeth,

Since the lifting of sunshine for O/I ends at 11:59 pm on Wednesday, May 14, there will still be a short period of time during which we will very likely receive emails to the Open Internet mailbox that would be prohibited presentations – i.e., in the interval between 11:59 pm on 5/14 and the release of the NPRM, which I understand we are targeting for late afternoon on the 15th. I believe the question then is whether we still need to do some sort of PN modifying the ex parte procedures along the lines of the draft Elizabeth prepared on Tuesday. Happy to discuss by phone or in person if that would help.

Thanks,

Matt

From: Sandy Daly
Sent: Thursday, May 08, 2014 3:56 PM
To: Sandy Daly
Subject: SUNSHINE NOTICE

See links below to the Sunshine Notice announcing the Thursday, May 15, 2014 Open Commission Meeting

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-326983A1.docx
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-326983A1.pdf

For your convenience see the agenda below:

May 8, 2014

FCC TO HOLD OPEN COMMISSION MEETING
THURSDAY, MAY 15, 2014

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, May 15, 2014. The meeting is scheduled to commence at 10:30 a.m. in Room TW-C305, at 445 12th Street, S.W., Washington, D.C.

Public Comment on Proposed Open Internet NPRM

2

HOG-01-001383

(b) (5)

From: Elizabeth Lyle
Sent: Friday, May 09, 2014 11:18 AM
To: Matthew DelNero; Diane Cornell
Cc: Stephanie Weiner
Subject: RE: SUNSHINE NOTICE

(b) (5)

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Sent: Friday, May 09, 2014 10:46 AM
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Public Comment on Proposed Open Internet NPRM

2

Andrea Kearney

From: Mark Wigfield
Sent: Monday, May 12, 2014 2:58 PM
To: Shannon Gilson; Neil Grace; Jonathan Sallet; Matthew DelNero; Stephanie Weiner
Subject: FW: (BN) Web Fast-Lane Backlash Gets FCC's Wheeler to Offer Tougher Plan

Bloomberg's lede reaches back to a 2010 AT&T comment that Title II classification could lead to price regulation. Worth pushing back on?

From: Todd Shields (BLOOMBERG/ NEWSROOM:)
Sent: Monday, May 12, 2014 2:46 PM
To: Neil Grace; Shannon Gilson; Mark Wigfield
Subject: (BN) Web Fast-Lane Backlash Gets FCC's Wheeler to Offer Tougher Plan

hi guys fyi our story is out.

Todd Shields
Bloomberg News
media, tech, telecom reporter - Washington

<< FCC & TECH / >>

Web Fast-Lane Backlash Gets FCC's Wheeler to Offer Tougher Plan
2014-05-12 18:21:27.9 GMT

By Todd Shields

May 12 (Bloomberg) -- Federal Communications Commission Chairman Tom Wheeler will raise the possibility his agency could set prices for Internet service as he seeks the votes of colleagues who resisted his first plan, an agency official said.

Wheeler's new plan discusses placing Internet providers under regulations that give the FCC more leeway to set rules, which carriers say may lead to price regulation. It doesn't change Wheeler's stance for a case-by-case approach that would grant the agency less power over Web services, said the official who spoke on condition of not being named because the proposal hasn't been made public.

The new wording lets the FCC consider a tougher approach urged by advocacy groups, who say the agency needs to protect "net neutrality," the concept that all Web traffic is treated equally. Cable providers and telephone companies such as AT&T Inc. and Verizon Communications Inc. say such an approach would deter investment.

Wheeler's revised open-Internet plan offers more checks on Web fast lanes than what he proposed earlier, which had sparked

1

HOG-01-001399

Andrea Kearney

From: Mark Wigfield
Sent: Monday, May 12, 2014 2:58 PM
To: Shannon Gilson; Neil Grace; Jonathan Sallet; Matthew DelNero; Stephanie Weiner
Subject: FW: (BN) Web Fast-Lane Backlash Gets FCC's Wheeler to Offer Tougher Plan

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Andrea Kearney

From: Daniel Alvarez
Sent: Monday, May 12, 2014 9:59 PM
To: Shannon Gilson; Stephanie Weiner
Cc: Neil Grace; Mark Wigfield
Subject: Re: Statement of Ro Khanna on Chairman Wheeler's Revised Net Neutrality Proposal

No.

From: Shannon Gilson
Sent: Monday, May 12, 2014 09:50 PM
To: Daniel Alvarez; Stephanie Weiner
Cc: Neil Grace; Mark Wigfield
Subject: Fw: Statement of Ro Khanna on Chairman Wheeler's Revised Net Neutrality Proposal

Anything going tonight?

From: Brooks Boliek [REDACTED]
Sent: Monday, May 12, 2014 09:48 PM
To: Shannon Gilson
Subject: Re: Statement of Ro Khanna on Chairman Wheeler's Revised Net Neutrality Proposal

Really!

I have to look them up.

Some commish aids complaining their offices haven't seen the draft.

Sorry so late.

bb

Brooks Boliek | POLITICO
Technology reporter

On May 12, 2014, at 9:01 PM, "Shannon Gilson" <[REDACTED]> wrote:

Fact: I used to work with Ro Khanna.

From: Brooks Boliek [REDACTED]
Sent: Monday, May 12, 2014 08:54 PM
To: Shannon Gilson
Subject: Fwd: Statement of Ro Khanna on Chairman Wheeler's Revised Net Neutrality Proposal

1

HOGR-OI-001402

Andrea Kearney

From: Daniel Alvarez
Sent: Monday, May 12, 2014 9:59 PM
To: Shannon Gilson; Stephanie Weiner
Cc: Neil Grace; Mark Wigfield
Subject: Re: Statement of Ro Khanna on Chairman Wheeler's Revised Net Neutrality Proposal

(b) (5)

From: Shannon Gilson
Sent: Monday, May 12, 2014 09:50 PM
To: Daniel Alvarez; Stephanie Weiner
Cc: Neil Grace; Mark Wigfield
Subject: Fw: Statement of Ro Khanna on Chairman Wheeler's Revised Net Neutrality Proposal

(b) (5)

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Technology reporter

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To: Shannon Gilson
Subject: Fwd: Statement of Ro Khanna on Chairman Wheeler's Revised Net Neutrality Proposal

1

Andrea Kearney

From: Daniel Alvarez
Sent: Tuesday, May 13, 2014 10:31 AM
To: Ruth Milkman; Neil Grace; Shannon Gilson; Mark Wigfield; Kim Hart; Jonathan Sallet; Stephanie Weiner
Subject: RE: Response to Pai's office on NN?

That's the plan.

From: Ruth Milkman
Sent: Tuesday, May 13, 2014 10:19 AM
To: Neil Grace; Shannon Gilson; Mark Wigfield; Kim Hart; Daniel Alvarez; Jonathan Sallet; Stephanie Weiner
Subject: RE: Response to Pai's office on NN?

Cute. Jon and Daniel are in talking to the Clyburn office about their requested changes to the item.

I would expect a new redline to go on the chain later today, ideally before noon.

From: Neil Grace
Sent: Tuesday, May 13, 2014 10:10 AM
To: Shannon Gilson; Mark Wigfield; Kim Hart; Daniel Alvarez; Ruth Milkman; Jonathan Sallet; Stephanie Weiner
Subject: RE: Response to Pai's office on NN?

And here's Eggerton's tweet.

John Eggerton  [@JohnEggerton](#)
Commissioner Pai's Chief of Staff Matthew Berry says Wheeler is blocking Republicans from seeing latest draft of net neutrality rules.

Neil Derek Grace
Senior Communications Advisor
Federal Communications Commission


From: Shannon Gilson
Sent: Tuesday, May 13, 2014 10:07 AM
To: Neil Grace; Mark Wigfield; Kim Hart; Daniel Alvarez; Ruth Milkman; Jonathan Sallet; Stephanie Weiner
Subject: RE: Response to Pai's office on NN?

Adding others on timing. When will the R's get the draft?

From: Neil Grace
Sent: Tuesday, May 13, 2014 10:06 AM
To: Shannon Gilson; Mark Wigfield; Kim Hart
Subject: FW: Response to Pai's office on NN?

So Eggerton just called me as well - Matthew Berry told him that the Chairman is "throttling and blocking" their access to the draft.

HQGR-OI-001406

Andrea Kearney

From: Daniel Alvarez
Sent: Tuesday, May 13, 2014 10:31 AM
To: Ruth Milkman; Neil Grace; Shannon Gilson; Mark Wigfield; Kim Hart; Jonathan Sallet; Stephanie Weiner
Subject: RE: Response to Pai's office on NN?

(b) (5)

From: Ruth Milkman
Sent: Tuesday, May 13, 2014 10:19 AM
To: Neil Grace; Shannon Gilson; Mark Wigfield; Kim Hart; Daniel Alvarez; Jonathan Sallet; Stephanie Weiner
Subject: RE: Response to Pai's office on NN?

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(b) (5)

Neil Derek Grace
Senior Communications Advisor
Federal Communications Commission


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Sent: Tuesday, May 13, 2014 10:06 AM
To: Shannon Gilson; Mark Wigfield; Kim Hart
Subject: FW: Response to Pai's office on NN?

(b) (5)

1

Andrea Kearney

From: Jonathan Sallet
Sent: Tuesday, May 13, 2014 11:54 AM
To: Kim Hart; Shannon Gilson
Cc: Stephanie Weiner
Subject: RE: off the record question

Kim, give me a call when you get a minute [REDACTED]

From: Kim Hart
Sent: Tuesday, May 13, 2014 11:32 AM
To: Jonathan Sallet; Shannon Gilson
Cc: Stephanie Weiner
Subject: RE: off the record question

Hi Jon, I'm taking a stab in the dark here as I'm still figuring out all the nuance here and am not familiar with that decision. I think your point in referencing it was just to indicate that it is possible to ban certain practices without having to go down the common carriage route. Is that right? I would try to steer him away from conflating any decision with Open Internet directly.

I very well may be misreading this situation, but does that seem right to you?
Kim

From: Jonathan Sallet
Sent: Tuesday, May 13, 2014 11:24 AM
To: Shannon Gilson; Kim Hart
Cc: Stephanie Weiner
Subject: Fw: off the record question

I've not responded. How do you want to handle?

From: Wyatt, Ed [REDACTED]
Sent: Tuesday, May 13, 2014 11:23 AM
To: Jonathan Sallet
Subject: off the record question

Jonathan -- during our chat yesterday, you referred to the Southwestern Cable decision and its conclusion that maybe some practices might be banned in a way that didn't constitute common carriage. Were you referring to the Original Southwestern Cable decision, and/or to Midwest I and II? Which decision is most relevant to the new Open Internet proposal? Thanks, Ed.

--
Edward Wyatt
The New York Times
Washington Bureau
[REDACTED]
wyatt@ [REDACTED]

1

HOGR-OI-001410

Andrea Kearney

From: Jonathan Sallet
Sent: Tuesday, May 13, 2014 11:54 AM
To: Kim Hart; Shannon Gilson
Cc: Stephanie Weiner
Subject: RE: off the record question

(b) (5)

From: Kim Hart
Sent: Tuesday, May 13, 2014 11:32 AM
To: Jonathan Sallet; Shannon Gilson
Cc: Stephanie Weiner
Subject: RE: off the record question

(b) (5)

From: Jonathan Sallet
Sent: Tuesday, May 13, 2014 11:24 AM
To: Shannon Gilson; Kim Hart
Cc: Stephanie Weiner
Subject: Fw: off the record question

(b) (5)

From: Wyatt, Ed [REDACTED]
Sent: Tuesday, May 13, 2014 11:23 AM
To: Jonathan Sallet
Subject: off the record question

Jonathan -- during our chat yesterday, you referred to the Southwestern Cable decision and its conclusion that maybe some practices might be banned in a way that didn't constitute common carriage. Were you referring to the Original Southwestern Cable decision, and/or to Midwest I and II? Which decision is most relevant to the new Open Internet proposal? Thanks, Ed.

--
Edward Wyatt
The New York Times
Washington Bureau
[REDACTED]
wyatt@ [REDACTED]

1

Andrea Kearney

From: Sara Morris
Sent: Tuesday, May 13, 2014 3:37 PM
To: Philip Verveer
Cc: Stephanie Weiner; Ruth Milkman
Subject: Fw: Severability clauses & fallback provisions
Attachments: Elliott & Tyler (2013) - Administrative Severability Clauses.pdf; EPA - 77 FR 555 (2012).pdf

Importance: High

Sara W. Morris
Director
Office of Legislative Affairs
Federal Communications Commission

sara.morris

From: Sara Morris
Sent: Thursday, May 08, 2014 07:40 PM
To: Ruth Milkman; Jonathan Sallet; Philip Verveer; Stephanie Weiner; Daniel Alvarez
Cc: Gigi Sohn
Subject: FW: Severability clauses & fallback provisions

Passing this along for this group's information. This follows up a discussion Gigi and I had w/ Shawn Chang, who raised the notion of our crafting the OI rules with a "fallback" approach, wherein Section 706 is the first line of defense, followed by an almost automatic triggering of Title II should those rules get struck down. I've not had the follow-on discussion with Shawn yet (may raise core legal issues such as due process; politically, we get all the political heat for Title II and none of its immediate benefit) but for now want to let you see what they're thinking. As you see, it's possible Rep. Waxman may raise this directly with TW, and he may need to be prepared for that conversation prior to the May 20th hearing.

Sara

From: Chang, Shawn
Sent: Thursday, May 08, 2014 4:26 PM
To: Sara Morris; Gigi Sohn
Subject: FW: Severability clauses & fallback provisions
Importance: High

Please hold this very close. But we think there is a good case for the FCC here to create a framework whereby the Commission would prohibit paid-prioritization under the Section 706 "commercially reasonable" standard, but fallback to a Title II approach automatically if Title I rules are struck down. As I described to Sara, Henry can send a somewhat personal letter to Chairman Wheeler prior to the hearing on the 20th restating his support of the Chairman's proposal.

1

HOGR-OI-001411

Andrea Kearney

From: Sara Morris
Sent: Tuesday, May 13, 2014 3:37 PM
To: Philip Verveer
Cc: Stephanie Weiner; Ruth Milkman
Subject: Fw: Severability clauses & fallback provisions
Attachments: Elliott & Tyler (2013) - Administrative Severability Clauses.pdf; EPA - 77 FR 555 (2012).pdf

Importance: High

Sara W. Morris
Director
Office of Legislative Affairs
Federal Communications Commission

sara.morris

From: Sara Morris
Sent: Thursday, May 08, 2014 07:40 PM
To: Ruth Milkman; Jonathan Sallet; Philip Verveer; Stephanie Weiner; Daniel Alvarez
Cc: Gigi Sohn
Subject: FW: Severability clauses & fallback provisions

(b) (5)

From: Chang, Shawn
Sent: Thursday, May 08, 2014 4:26 PM
To: Sara Morris; Gigi Sohn
Subject: FW: Severability clauses & fallback provisions
Importance: High

Please hold this very close. But we think there is a good case for the FCC here to create a framework whereby the Commission would prohibit paid-prioritization under the Section 706 "commercially reasonable" standard, but fallback to a Title II approach automatically if Title I rules are struck down. As I described to Sara, Henry can send a somewhat personal letter to Chairman Wheeler prior to the hearing on the 20th restating his support of the Chairman's proposal.

1

Andrea Kearney

From: Daniel Alvarez
Sent: Wednesday, May 14, 2014 2:00 PM
To: Sara Morris; Jonathan Sallet; Stephanie Weiner; Gigi Sohn; Ruth Milkman; David Toomey
Subject: RE: Severability clauses & fallback provisions

Any update on this? Did the call happen? I'm getting questions about whether the item is going to be changed any more.

Thanks

From: Sara Morris
Sent: Tuesday, May 13, 2014 8:39 PM
To: Jonathan Sallet; Stephanie Weiner; Daniel Alvarez; Gigi Sohn; Ruth Milkman; David Toomey
Subject: RE: Severability clauses & fallback provisions

I've set up the call with Shawn Chang for tomorrow morning at 9:45 with Jon and Stephanie. Phil Barnett (Waxman CoS) may participate, although he'll be out of the office to attend a funeral.

Shawn told me that Waxman will definitely be sending a letter to the Chairman on this first thing tomorrow morning (text below). While it does not say anything about including their proposal in the NPRM, that is what they want, and they'll press us on this point tomorrow. I've indicated the concern about the item being locked down, delicacy of 8th floor situation, but that was not persuasive. They feel they have really gone to bat for TW on this and don't see how including this in the Notice would do harm given expanded discussion of Title II generally. Shawn also understands the "getting the worst of both worlds" point Phil made, but doesn't believe it should preclude inclusion of a paragraph citing their letter (and the similar Wu proposal). While he is on a mission to do this, plain and simple, I think they can be persuaded but I think it will have to be based on this harming chances of TW getting MC or JR votes.

Fuller discussion of this proposal is at the bottom of this email.

Sara

CLOSE HOLD

May XX, 2014

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

We spoke last month about the importance of network neutrality and my support for strong, enforceable rules of the road to protect the free and open Internet. I appreciate your commitment to reinstate open Internet rules based on a solid legal framework that preserves innovation, competition, and consumer choice online. And I support your decision to ask the Commissioners of the Federal Communications Commission to vote on these proposed rules on May 15, 2014.

1

HOGR-OI-001475

Andrea Kearney

From: Daniel Alvarez
Sent: Wednesday, May 14, 2014 2:00 PM
To: Sara Morris; Jonathan Sallet; Stephanie Weiner; Gigi Sohn; Ruth Milkman; David Toomey
Subject: RE: Severability clauses & fallback provisions

(b) (5)

From: Sara Morris
Sent: Tuesday, May 13, 2014 8:39 PM
To: Jonathan Sallet; Stephanie Weiner; Daniel Alvarez; Gigi Sohn; Ruth Milkman; David Toomey
Subject: RE: Severability clauses & fallback provisions

(b) (5)

1

Andrea Kearney

From: Mark Wigfield
Sent: Wednesday, May 14, 2014 7:41 PM
To: Michael Jacobs; Julie Veach; Shannon Gilson; Daniel Alvarez
Cc: Matthew DelNero
Subject: RE: O/I Q&As?
Attachments: Press Prep Update for WCB.docx

Here is one more document with a few high-level "home-base" messaging responses that can be adapted to various press questions, plus a set of more specific short-hand answers to specific questions that are likely to come up. These were developed based on two sessions between OMR and the Chairman today, the second of which included OMR, Jon Sallett, Stephanie Weiner and Sara Morris. Answers were vetted by OGC. Attached and pasted below. Julie, if you would like to squeeze a prep session on this, let us know.

HOME BASE MESSAGING**OI**

- This is the start of a process
- We are listening – public input is already reflected in the proposal.
- Our Goals: Develop enforceable rules to protect consumers, innovators online quickly

Fast Lanes

- To be clear, this proposal does not authorize anything.
- We specifically ask if paid prioritization should be banned outright.
- The goal is to develop a screen of what actions could be harmful to consumers and innovators, including:
 - Banning paid prioritization
 - Ensuring sufficiently robust Internet service for all (minimum level of access)
 - Prohibiting exclusive arrangements with affiliates

Peering

- This NPRM takes a major step toward preserving an open Internet
- We are taking this one step at the time.
- Interconnection/Peering is important and worthy of its own discussion.
- Peering is being considered separately from OI NPRM.

PRESS PREP - OPEN INTERNET**Title II****Why not Title II?**

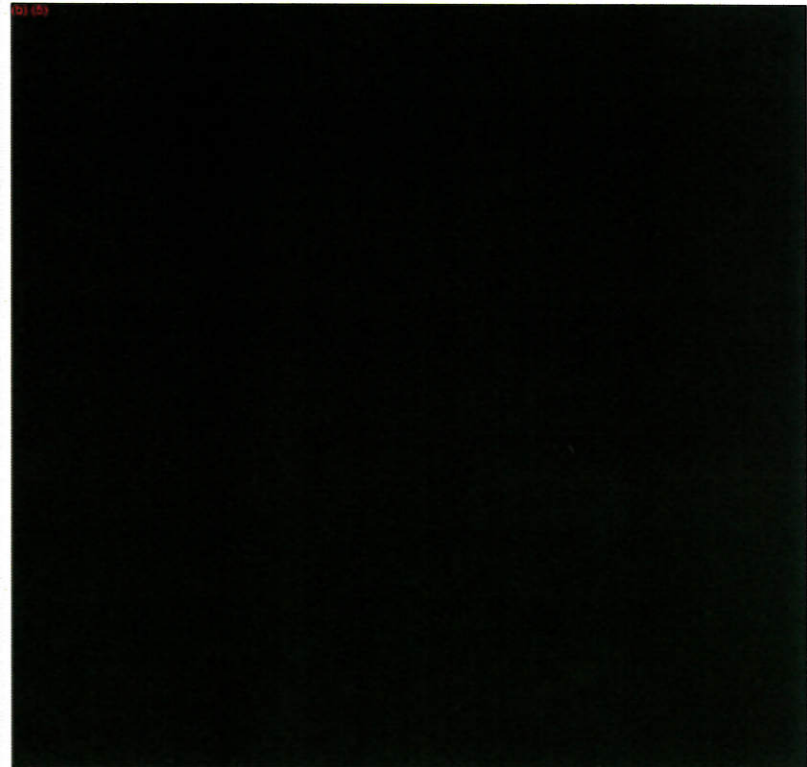
- Court ruling provides clear roadmap with 706, but Title II a viable option that is decidedly on the table
- Goal is to get enforceable rules as quickly as possible to protect consumers, innovators
- We ask what the most effective way to ensure that robust service is available for all and will follow that path

How many paragraphs are devoted to Title II and how many to 706

- Haven't done that analysis; the NPRM will be released soon

Andrea Kearney

From: Mark Wigfield
Sent: Wednesday, May 14, 2014 7:41 PM
To: Michael Jacobs; Julie Veach; Shannon Gilson; Daniel Alvarez
Cc: Matthew DelNero
Subject: RE: O/I Q&As?
Attachments: Press Prep Update for WCB.docx



- The NPRM launches a robust inquiry into what statutory authority provides the most effective means of protecting the Open Internet

Peering

All questions

- We are taking this one step at the time to protect the Open Internet
- Interconnection/Peering is important and worthy of its own discussion
- Peering is being considered separately from OI NPRM

Fast lanes

Yes or no? Does your proposal allow fast lanes?

- To be clear, this proposal does not authorize anything.
- We specifically ask if paid prioritization should be banned outright.
- The goal is to develop a screen of what actions could be harmful to consumers and innovators, including:
 - Banning paid prioritization
 - Requiring minimum level of access
 - Prohibiting exclusive arrangements with affiliates

If pushed: These are questions being considered by the NPRM. And we are looking forward to public comment I am confused. You say there won't be fast lanes, but your item reaches the tentative conclusion they should be allowed. Why do you reach a tentative the prioritization is permissible, but they ask if the practice should be banned.

- The Notice does not authorize anything. It seeks comment on a framework
- We are seeking comment on whether some, or all, pay-for prioritization deals should be banned
- We seek comment on tentative conclusions that prioritization for affiliates be considered illegal until proven otherwise

If you are proposing prioritization won't large companies have an inherent advantage over the small ones who can't pay?

- We are asking for comments on screens to assess consumer, competition impact of such service
- Let's be clear: we are not proposing prioritization. We are proposing a standard by which to judge whether this kind of service is appropriate

Tim Wu and other academics say you can't have prioritization without slowing down parts of the network. Are you saying they are wrong?

- We have sought comment on that issue in today's Notice
- We look forward to reading comments on this issue

You said that you won't allow ISPs to degrade service for the many for the service of a few. If networks started to slow down for the many, how would you find out if the issue was congestion rather than ISP simply throttling.

- We propose enhanced transparency

What about Tim's Wu latest proposal to consider 706 with Title II trigger?

- We ask for comment on this idea

From: Mark Wigfield

Sent: Wednesday, May 14, 2014 6:35 PM

To: Michael Jacobs; Julie Veach

Cc: Matthew DelNero

Subject: RE: O/I Q&As?

2

HOG-01-001489

(b) (5)



From: Mark Wigfield

Sent: Wednesday, May 14, 2014 6:35 PM

To: Michael Jacobs; Julie Veach

Cc: Matthew DelNero

Subject: RE: O/I Q&As?

2

Here are two additional documents that we used Sunday night/Monday to field press calls about the revised draft. The "narrative" referred to in the Q&A is the talking pt document.

From: Mark Wigfield
Sent: Wednesday, May 14, 2014 5:03 PM
To: Michael Jacobs
Cc: Matthew DelNero
Subject: RE: O/I Q&As?

Here you go; sorry for the delay. Feel free to add to the Q&A. Most of it has been reviewed by OGC.

The press release and fact sheet have been cleared through OCH, OMR and OGC. Please only edit for accuracy.

Thanks

From: Michael Jacobs
Sent: Wednesday, May 14, 2014 4:54 PM
To: Mark Wigfield
Cc: Matthew DelNero
Subject: O/I Q&As?
Importance: High

Mark – there's a desire to see them ASAP; no matter what state they're in. Please reply with them, or call to discuss
[REDACTED] Thanks, Mike

Mike Jacobs
WCR/FO
[REDACTED]

*** Non-Public: For Internal Use Only ***

(b) (5)

From: Mark Wigfield
Sent: Wednesday, May 14, 2014 5:03 PM
To: Michael Jacobs
Cc: Matthew DelNero
Subject: RE: O/I Q&As?

(b) (5)

From: Michael Jacobs
Sent: Wednesday, May 14, 2014 4:54 PM
To: Mark Wigfield
Cc: Matthew DelNero
Subject: O/I Q&As?
Importance: High

(b) (5)

Mike Jacobs
WCR/FO
[REDACTED]

*** Non-Public: For Internal Use Only ***

1. Q. How can a broadband provider avoid degrading its service overall if it is using capacity for premium service?

- Broadband providers would be required to offer service that is sufficiently robust for all consumers and edge providers. While providers would be able to offer priority service, a priority offering could not degrade the broadly offered service.

2. Q. Why doesn't that make it difficult for upstarts to compete since they probably can't buy priority service?

- Again, the rules will require that broadband providers offer service sufficiently robust for all edge providers, including smaller providers and new entrants. Furthermore, prioritized treatment above that level will not be allowed to harm competition, consumers, innovation, and more.

3. Q. Isn't that just a fancy way of saying fast lane/slow lane?

- No, because the service for all users would have to be sufficiently robust, unlike the slow lanes on some highways.

4. Q. In the NPRM, "sufficiently robust" is actually called "minimum level of access." Why use one set of words in a speech and the other in the NPRM?

- "Minimum level of access" is a term used by the court. Our approach to this concept will enable consumers to have access to the content, services and applications they demand, and ensure that innovators and edge providers have the ability to offer new products and services – including content providers who do not enter into specific arrangements with broadband providers.
- The NPRM [currently para 91] makes this clear, stating: "Requiring this minimum level of access under the no-blocking rule will ensure that all users have access to an Internet experience that is sufficiently robust and effectively usable. This includes both end-user consumers and edge providers of all types and sizes, including those content providers who do not enter into specific arrangements with broadband providers. In short, our approach will enable consumers to access the content, services, and applications they demand and ensure that innovators and edge providers have the ability to offer new products and services."

(b) (5)



5. Q. How do you evaluate what is a "minimum level of access", and how often would you update that?
- We seek comment on how we should define a minimum level of access. We propose several options and seek comment on others. We seek comment on whether and how that minimum level should be updated going forward to ensure that the no-blocking rule continues to meet its objective of providing a robust Internet experience for all users.
6. Q. Your options for defining "minimum access" include a "reasonable person" standard, a quantitative performance" standard based on speed and other technical parameters, and "best effort" standard, reflecting the typical level of service. These sound static and rooted in today's Internet. What prevents them from falling behind and forcing consumers & edge providers into priority service?
- Some of our approaches naturally scale with changes in technology. We are seeking comment on how the minimum level of access can be dynamic over time. Our requirement that service be offered on a "commercially reasonable" basis—which takes into account all of the circumstances—would also in effect keep these standards up to date.
7. Q. So how likely is it that edge providers will need priority service?
- We can't speculate on that, but believe that setting the minimum level of access will provide certainty in the market, and that we can develop a standard that reflects the level of service required to meet the demands of consumers and innovators.
8. Q. Aren't your new rules still fundamentally more permissive than the 2010 rules, which included language about how priority service would be a "significant departure" from historical and current practices, and would raise "a significant cause for concern?"
- The 2010 Order did not ban priority service. In fact, it said:

Because we agree with the diverse group of commenters who argue that any nondiscrimination rule should prohibit only unreasonable discrimination, we decline to adopt the more rigid nondiscrimination rule proposed in the *Open Internet NPRM*. A strict nondiscrimination rule would be in tension with our recognition that some forms of discrimination, including end-user controlled discrimination, can be beneficial. The rule we adopt provides broadband providers' sufficient flexibility to develop service offerings and pricing plans, and to effectively and reasonably manage their networks.

- However, the language you reference is what caused the court to strike down the 2010 rules as common carriage. We based our new rules on the court's guidance, providing us with a legally sustainable way to evaluate whether priority service would be consistent with Internet openness, using a "commercially reasonable" standard determined by a variety of criteria, such as impact on competition, consumer protection, free speech, and more. This is the same standard that the same court upheld in our data roaming rules, which avoided common carriage while enabling us to evaluate whether a carrier's data roaming rules were commercially reasonable.
 - Moreover, even Title II does not ban priority service. It only bars arrangements that are not just and reasonable.
9. Q. So does this mean that priority service would be allowed in only very narrow and exceptional circumstances?
- We would evaluate these situations case-by-case; it is impossible to speculate.
10. Q. Would the circumstances not have to be less narrow than the 2010 Order to withstand scrutiny?
- We believe we have a framework that can protect the Open Internet in a legally sustainable way with sufficient flexibility to avoid common carriage regulation and support innovation.
11. Q. Won't this incentivize providers to not improve service for edge providers, but instead charge for mildly improved access?
- Such service offerings would be evaluated as to their commercial reasonability.
12. Q. Isn't case-by-case too complex and daunting for small edge providers – like the individual who uploads videos to YouTube? How could such a small edge provider be expected to mount what is likely to be a difficult challenge if they feel their service is not commercially reasonable?
- In short, under our approach all edge providers would need to be offered sufficiently robust service to compete. In addition, proposed enhancements to our transparency rules would make more information available about service easily available to edge providers, casting sunlight on broadband provider practices and deterring those that are not commercially reasonable. Finally, the NPRM asks specifically about how we can design an effective Enforcement and Dispute resolution process, including an ombudsman. The process would provide legal certainty, quickly resolve disputes, and be accessible by all parties, including consumers, small edge providers.
13. Q. Would the ban on exclusive, prioritized service for an affiliate be lifted if the broadband provider offers it to others – in effect requiring them to pay for it?

- We are seeking comment about whether there should be a rebuttable presumption against exclusive prioritization for affiliates. And we will seek comment on what practices the Commission can and should consider commercially unreasonable.

14. Q. What does free speech have to do with "commercial reasonability"?

- The commercially reasonable standard is designed to protect and promote Internet openness to removes barriers to investment, promote competition, and encourage broadband deployment. That is our charge under section 706. The ability of citizens and content providers to use the open Internet to communicate with one another and express their views to a wide audience at very low costs drives further Internet use, consumer demand, and broadband investment and deployment.

15. Q. How can offering priority service to similarly situated edge providers under different terms possibly be consistent with Open Internet?

- The terms and conditions of any priority service would be evaluated for their commercial reasonableness—including whether they harm competition, consumers and more; what is reasonable for one provider may not be for another. Those practices that threaten to limit the Internet's openness will not be permitted.

16. Q. Are you saying you could require lower prices for a small provider and higher for a large one?

- Such proposals would be evaluated by a totality of factors, including competition, market practices, impact on consumers, technical characteristics. And we are seeking comment on additional factors.

17. Q. Would broadband providers have to get approval for priority service? How could the FCC possibly manage that?
- Our approach does not require FCC pre-approval. Rather we seek to establish a clear legal standard, set forth factors to provide guidance on the application of that standard, and design a case-by-case process for efficient fact-based evaluations of whether that standard has been met
18. Q. I don't understand why you say that peering is outside the scope of the NPRM, but then you still raise it. Are you leaving open the possibility that you will expand the scope?
- Our tentative conclusion is that the same issues that were outside the scope of the 2010 Order – such as peering, CDNs, and other forms of traffic between networks – would be outside the scope of the new rules. But we seek comment on that tentative conclusion.
19. Q. I understand your mention of Title II was originally just a sentence or two. How was it changed?
- Focuses much more attention on the question of whether 706 or Title 2 is the right legal framework – the proposal provides much greater specificity and seeks detailed comment on how Title II could be applied;
 - Asks whether Title II is the best approach for protecting and promoting an Open Internet and what rules (including alternatives to the commercially reasonable standard) it would justify
 - Seeks comment on Mozilla petition and Tim Wu's paper
 - Includes specific questions on forbearance – the process of which elements of Title II would NOT be applied to the Open Internet rules
20. Q. I understand the NPRM may consider more full application of the rules to wireless if it is used as a substitute for wireline service.
- We are seeking comment on this idea. In the context of the technology transition, we understand there may be some areas in the country that will only be served by wireless service. ATT has publicly announced this. Thus, we seek comment on how the open Internet rules should apply in such cases.
21. Q. Do you seek comment on how the different rules for mobile and fixed affect broadband availability for demographic groups that skew toward mobile broadband use?
- [SSW: I expect we will add this to the next draft; so answer will be YES]
22. Q. How can you not ban exclusive agreements yet claim you are preserving the Open Internet.
- Even Title II does not bar exclusive agreements. It only barred those that are not just and reasonable. We are confident that our commercially acceptable standard

can protect consumers and competition against harm from such arrangements, while enabling our rules to be sustained in court and provide some flexibility needed in a changing marketplace.

23. Q. You repeatedly cite the success in court of the Data Roaming Order, but do you know how well it has worked in the marketplace?

- We are seeking comment on that. The Commission's experience is that the Data Roaming rules have worked well to deter bad practices and incentivize parties to reach agreements in the marketplace.

24. Q. How can a legal regimen meant to regulate relationships between two companies work for consumers and small startups?

- Our proposed approach takes into account that some and perhaps most edge providers will not enter particular agreements with broadband providers. Under our approach, broadband providers must offer a sufficiently robust service to all edge providers, whether or not they enter into particular arrangements. In addition, broadband provider practices—not just agreements—must be commercially reasonable, which means that they will not be allowed to threaten Internet openness for any party.
- There is no less complexity in making these decisions in any other legal framework available to the FCC. However, we are clear that our goal is to protect consumers and competition and our rules of the road will make that very clear to broadband providers from the outset.

25) Some consumers are concerned that your proposal will result in increased prices for access to online content. Have you analyzed this? What do you think will be the pricing impact?

26) Opponents to reclassification argue that it will stifle innovation and investment. What is your response?

27) It's widely expected that if the FCC uses a Title II approach, you will face a court challenge. How big a factor is that in your decision-making?

(b) (5)



Andrea Kearney

From: Mark Wigfield
Sent: Thursday, May 15, 2014 12:30 PM
To: Matthew DelNero; Stephanie Weiner; Shannon Gilson; Neil Grace
Subject: RE: FCC Launches Broad Rulemaking to Protect and Promote the Open Internet

That's great, thanks

From: Matthew DelNero
Sent: Thursday, May 15, 2014 12:25 PM
To: Mark Wigfield; Stephanie Weiner; Shannon Gilson; Neil Grace
Subject: RE: FCC Launches Broad Rulemaking to Protect and Promote the Open Internet

Mark -- no, it's not that categorical. I would recommend responding along these lines (though obviously feel free to tighten it up and make it more media friendly): "The presumption that exclusive contracts to prioritize affiliates' traffic would be unlawful doesn't answer the question of whether other forms of prioritization are ok. The notice seeks broad comment on what to do about prioritization arrangements, including whether paid prioritization should be banned outright."

Does that work?

Thanks,
Matt

From: Mark Wigfield
Sent: Thursday, May 15, 2014 12:16 PM
To: Stephanie Weiner; Matthew DelNero; Shannon Gilson; Neil Grace
Subject: RE: FCC Launches Broad Rulemaking to Protect and Promote the Open Internet

See below. Is his interpretation right?

From: Jon Brodtkin
Sent: Thursday, May 15, 2014 12:12 PM
To: Mark Wigfield
Subject: Re: FCC Launches Broad Rulemaking to Protect and Promote the Open Internet

when it says "exclusive contracts that prioritize service to broadband affiliates are unlawful," does that mean these are allowed as long as they're offered to anyone on commercially reasonable terms?

Jon Brodtkin
Senior IT Reporter
[Ars Technica](#)
Ars Orbiting HQ

From: Mark Wigfield
Reply-To: Mark Wigfield
Date: Thursday, May 15, 2014 at 12:04 PM

1

HOG-01-001504

Andrea Kearney

From: Mark Wigfield
Sent: Thursday, May 15, 2014 12:30 PM
To: Matthew DelNero; Stephanie Weiner; Shannon Gilson; Neil Grace
Subject: RE: FCC Launches Broad Rulemaking to Protect and Promote the Open Internet

(b) (5)

From: Matthew DelNero
Sent: Thursday, May 15, 2014 12:25 PM
To: Mark Wigfield; Stephanie Weiner; Shannon Gilson; Neil Grace
Subject: RE: FCC Launches Broad Rulemaking to Protect and Promote the Open Internet

(b) (5)

From: Mark Wigfield
Sent: Thursday, May 15, 2014 12:16 PM
To: Stephanie Weiner; Matthew DelNero; Shannon Gilson; Neil Grace
Subject: RE: FCC Launches Broad Rulemaking to Protect and Promote the Open Internet

(b) (5)

From: Jon Brodtkin
Sent: Thursday, May 15, 2014 12:12 PM
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Jon Brodtkin
Senior IT Reporter
[Ars Technica](#)
Ars Orbiting HQ

From: Mark Wigfield
Reply-To: Mark Wigfield
Date: Thursday, May 15, 2014 at 12:04 PM

1

Andrea Kearney

From: David Gossett
Sent: Thursday, May 15, 2014 3:35 PM
To: Stephanie Weiner
Subject: FW: MLA News: New Forum Structure, Ratification Vote, and More

I'm sure you'll be interested to hear that the Modern Language Association, the leading organization of English Professors, supports net neutrality... ☺

Begin forwarded message:

From: "Gossett, Suzanne" <[REDACTED]>
Date: May 14, 2014 at 6:32:17 PM EDT
To: David Gossett <[REDACTED]>
Subject: Fwd: MLA News: New Forum Structure, Ratification Vote, and More

NEWS from the MLA

[Click here](#) for the complete news digest.

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- [Deadline for 2014 Ratification Vote Approaching](#)
- [MLA Supports Net Neutrality](#)

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HOG-01-001523

Andrea Kearney

From: David Gossett
Sent: Thursday, May 15, 2014 3:35 PM
To: Stephanie Weiner
Subject: FW: MLA News: New Forum Structure, Ratification Vote, and More

(b) (5)

Begin forwarded message:

From: "Gossett, Suzanne" <[REDACTED]>
Date: May 14, 2014 at 6:32:17 PM EDT
To: David Gossett <[REDACTED]>
Subject: Fwd: MLA News: New Forum Structure, Ratification Vote, and More

NEWS from the MLA

[Click here](#) for the complete news digest.

New Online

- [New MLA Forum Structure](#)
- [Deadline for 2014 Ratification Vote Approaching](#)
- [MLA Supports Net Neutrality](#)

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1

From: Guro Ekrann <[REDACTED]>
Sent: Wednesday, April 16, 2014 4:30 PM
To: Philip Verveer
Cc: Jeffrey Eisenach; Jonathan Levy; Jonathan Sallet; Gus Hurwitz
Subject: Re: September 10-12 Seminar/Follow Up

All-

Can we make a small adjustment - 3.45 instead of 3:30?

Best,

Guro

On Apr 16, 2014, at 3:00 PM, "Philip Verveer" <[REDACTED]> wrote:

Tomorrow at 3:30 works for me.

From: Jeffrey Eisenach <[REDACTED]>
Sent: Wednesday, April 16, 2014 2:33 PM
To: Jonathan Levy
Cc: Philip Verveer; Jonathan Sallet; Gus Hurwitz; Guro Ekrann
Subject: Re: September 10-12 Seminar/Follow Up

Jonathan -

This is super helpful. We should talk ASAP, with Gus and Guro from our side. Would tomorrow afternoon at 3:30 work for everyone by any chance?

Best,

Jeff

Jeffrey A. Eisenach
<[REDACTED]>

On Apr 16, 2014, at 12:23 PM, "Jonathan Levy" <[REDACTED]> wrote:

Hi Jeff

I will defer to you on the timing of the announcement. Since you probably will be wanting to involve a larger community than will be at the IIP meeting, I am not sure that it makes sense to announce it there initially. Of course if there is a call for papers out by May 28 then of course we would want to remind IIP attendees that it is out there. I DO think it is important that, before you issue your CFP you have a good understanding of the "ground rules" necessary for these jamborees. Before we agreed to the IIP co-sponsorship we ran the proposal by the General Counsel's ethics officers. They wanted some information about the funding sources to be used by IIP for the conference, they insisted that the FCC should have nothing to do with the selection of participants, and they insisted that our role with regard to things like refreshments be carefully circumscribed. I would be happy to go over all of this with you if you wish. Additional matters that we are still kind of

1

HOGR-OI-001525

Non-Responsive



1

working through as we go are the application of the Commission's ex parte rules to presentations made at the conference at which FCC staff are present, the extent to which conference materials tendered to FCC staff may be subject to FOIA, and how to handle the question of public observation of (not active participation in) the workshop sessions. For the IIP conference we are almost surely going to have an opening plenary session open to the public in the Commission meeting room, followed by small group workshop presentations/discussions of the contributed papers. If you are considering an opening plenary (or whatever you want to call it) in the Commission meeting room, the sooner I know about it the better. In order to reserve the Commission meeting room, a long lead time is important.

Best,

Jonathan

From: Jeffrey Eisenach [REDACTED]
Sent: Wednesday, April 16, 2014 11:21 AM
To: Jonathan Levy; Philip Verveer
Cc: Jonathan Sallet; Gus Hurwitz; Guro Ekrann
Subject: RE: September 10-12 Seminar/Follow Up

Jonathan --

Thanks so much for this. Gus and I need a little time to put our heads together, but we'll be back in touch soon. We look forward to working together.

One question: Do you have a sense of when would be the best time to announce our conference? Do you want to do it at the IIP workshop, or is it better to keep the two completely separate? We will follow your guidance on this, subject only to the constraint that we should try to announce by June 1 or sooner (ideally sooner) in order to have time to put together the program, etc. Would ~May 15 be ok (giving us time to put a little more meat on the bones, but still two weeks ahead of the IIP workshop)?

Best,

Jeff

Jeffrey A. Eisenach, Ph.D., Visiting Scholar
Center for Internet, Communications and Technology Policy
www.technologydaily.com
[REDACTED]

From: Jonathan Levy [REDACTED]
Sent: Wednesday, April 16, 2014 10:33 AM
To: Philip Verveer; Jeffrey Eisenach
Cc: Jonathan Sallet; Gus Hurwitz; Guro Ekrann
Subject: RE: September 10-12 Seminar/Follow Up

Greetings Jeff

I look forward to working with you and your colleagues on the September conference. I think it is fair to say that Phil and I have learned a few bureaucratic things from setting up the IIP conference this coming May. I am happy that you are aware of the TPRC schedule immediately following your dates. Once you have established a subject matter theme for the conference, I would be happy to know it.

Cordially,

2

HOCR-OI-001526

Non-Responsive

2

Jonathan Levy
Deputy Chief Economist
Federal Communications Commission

From: Philip Verveer
Sent: Wednesday, April 16, 2014 9:49 AM
To: 'Jeffrey Eisenach'
Cc: Jonathan Sallet; Gus Hurwitz; Guro Ekrann; Jonathan Levy
Subject: RE: September 10-12 Seminar/Follow Up

Jeff
We're pleased that the University of Nebraska Law School and AEI have proposed the September conference. Jonathan Levy (copied here) is taking the principal role for the FCC in the coordination of the May Penn State conference. He and I will be the points of contact for the Commission.
Phil

From: Jeffrey Eisenach
Sent: Friday, April 11, 2014 8:14 PM
To: Philip Verveer
Cc: Jonathan Sallet; Gus Hurwitz; Guro Ekrann
Subject: September 10-12 Seminar/Follow Up

Phil --

Thanks for taking time this afternoon to meet. We're excited about moving ahead with the seminar, have locked in the September 10-12 dates, and will start making plans accordingly. Gus and I will share the duties of designing the program, the selection process for speakers and so forth, and will stay in touch on those fronts; Guro Ekrann will be our main point of contact for logistics. Let us know if there are others on your end we ought to touch base with regarding logistics or anything else.

All the best,

Jeff

Jeffrey A. Eisenach, Ph.D., Visiting Scholar
Center for Internet, Communications and Technology Policy
www.technologydaily.com

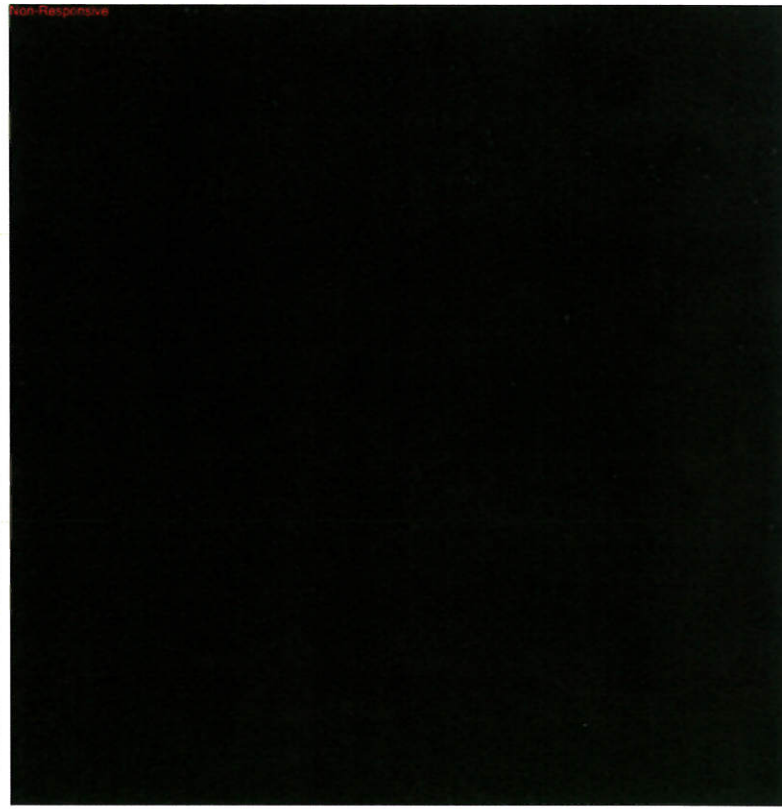
From: Jonathan Sallet
Sent: Monday, March 03, 2014 12:50 PM
To: Jeffrey Eisenach
Cc: Philip Verveer
Subject: RE: Seminar

Jeff: This sounds good for us. Also, can you give us a couple of dates when you can come in during March to discuss Open Internet issues? Thanks Jon

3

HOCR-01-001527

Non-Responsive



From: Jonathan Sallet
Sent: Monday, March 03, 2014 12:50 PM
To: Jeffrey Eisenach
Cc: Philip Verveer
Subject: RE: Seminar

Jeff: **Non-Responsive** Also, can you give us a couple of dates when you can come in during March to discuss Open Internet issues? Thanks Jon

3

From: Jeffrey Eisenach [REDACTED]
Sent: Thursday, February 27, 2014 4:57 PM
To: Jonathan Sallet
Subject: Seminar

Jon --

I'll send more in the next couple of days, but right now we're thinking that:

- a) We (AET's Center for Internet, Communications and Technology Policy) would co-sponsor a conference with the University of Nebraska Law School's program in Space, Cyber, and Telecommunications Law.
- b) The program would broadly parallel in structure (including a call for papers, etc.) and complement in substance, the IPI program.
- c) We would do it either immediately before TPRC or immediately after, i.e., either September 10-11 or 15-16.

Let me know if any of this sounds like a non-starter and we'll recalibrate.

On the other front, we're looking for dates in March to get folks in town.

Best,

Jeff

Jeffrey A. Eisenach, Ph.D., Visiting Scholar
Center for Internet, Communications and Technology Policy
www.techpolicydaily.com
[REDACTED]

Non-Responsive



From: [REDACTED]
To: Sara Morris; Ruth Milkman; Gigi Sohn; Shannon Gilson; Jonathan Sallet; Daniel Alvarez; David Toomey; Philip Verveer
Subject: RE: FCC, Net Neutrality, and Title II
Date: Tuesday, May 13, 2014 11:24:27 AM
Attachments: [emas001.png](#)

No big deal. Analysts have to write something.

From: Sara Morris
Sent: Tuesday, May 13, 2014 10:48 AM
To: [REDACTED]; Ruth Milkman; Gigi Sohn; Shannon Gilson; Jonathan Sallet; Daniel Alvarez; David Toomey; Philip Verveer
Subject: FW: FCC, Net Neutrality, and Title II

Not helpful.

From: Grossman, David (Eshoo) [REDACTED]
Sent: Tuesday, May 13, 2014 10:27 AM
To: Sara Morris
Subject: FW: FCC, Net Neutrality, and Title II

(Y)

George Reed-Dellinger [REDACTED] -- We view the FCC's upcoming May 15 initiative regarding Network Neutrality (NN) rules and seeking public comment on potential Title II regulation as a mere face-saving effort to support the President's platform of preserving an "open Internet." As we have long said, when all is said and done, the Internet Service Providers (ISPs) will still be able to: (1) charge for speed; (2) limit bandwidth hogs; and (3) offer reasonably priced tiers and usage.

The Notice of Proposed Rulemaking (NPRM) will be finalized near year-end after going through several months of the commenting cycle, and will undoubtedly face another court challenge at that point. FCC Chairman Tom Wheeler will likely leave his post before the legal issues are resolved and will be able to say that he tried his best to preserve the "open Internet."

The proposed NN rules themselves that have come under attack from the left do little more than codify what the courts have already allowed, which permits AT&T (T) and others to cut deals with Amazon (AMZN), Google (GOOG), and other "edge" providers for faster speeds, etc.

While Wheeler will also ask for comments regarding reclassifying ISPs as public utilities should the proposed NN rules fail to withstand judicial scrutiny, thereby banning managed services (prioritized packets), we doubt that this "threat" will ultimately come to fruition. We doubt that Wheeler will be able to come up with a more robust legal defense that would survive court scrutiny, which won't be resolved until 2016. His claim to be vigilant in preventing ISPs from discriminating unfairly will likely take place on a case-by-case basis, which we expect will be acceptable to the ISPs, as opposed to a blanket and wide-ranging rulemaking.

HOG-01-001532

From: [REDACTED]
To: Sara Morris; Ruth Milkman; Gigi Sohn; Shannon Gilson; Jonathan Sallet; Daniel Alvarez; David Toomey; Philip Verveer
Subject: RE: FCC, Net Neutrality, and Title II
Date: Tuesday, May 13, 2014 11:24:27 AM
Attachments: [emas001.png](#)

(b) (5)

From: Sara Morris
Sent: Tuesday, May 13, 2014 10:48 AM
To: [REDACTED]; Ruth Milkman; Gigi Sohn; Shannon Gilson; Jonathan Sallet; Daniel Alvarez; David Toomey; Philip Verveer
Subject: FW: FCC, Net Neutrality, and Title II

(b) (5)

From: Grossman, David (Eshoo) [REDACTED]
Sent: Tuesday, May 13, 2014 10:27 AM
To: Sara Morris
Subject: FW: FCC, Net Neutrality, and Title II

(Y)

George Reed-Dellinger [REDACTED] -- We view the FCC's upcoming May 15 initiative regarding Network Neutrality (NN) rules and seeking public comment on potential Title II regulation as a mere face-saving effort to support the President's platform of preserving an "open Internet." As we have long said, when all is said and done, the Internet Service Providers (ISPs) will still be able to: (1) charge for speed; (2) limit bandwidth hogs; and (3) offer reasonably priced tiers and usage.

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From: Sara Morris
To: Sara Morris; Ruth Milkman; Gigi Sohn; Daniel Alvarez; Shannon Gilson; David Toomey; Jonathan Sallet; Philip Verwee
Subject: RE: No Delay letter from Eshoo/Matsui
Date: Monday, May 12, 2014 5:18:49 PM

WELL DONE !!

From: Sara Morris
Sent: Monday, May 12, 2014 3:59 PM
To: TW; Ruth Milkman; Gigi Sohn; Daniel Alvarez; Shannon Gilson; David Toomey; Jonathan Sallet; Philip Verwee
Subject: No Delay letter from Eshoo/Matsui.

Good news -- no Eshoo letter on delay !!

Presuppose we'd still get one from R's. We'll see.

From: Grossman, David (Eshoo)
Sent: Monday, May 12, 2014 3:50 PM
To: Sara Morris
Subject: NN Letter

Sara, given the report of new changes being circulated, Anna will no longer be sending the letter calling for delay. That's not to say her concerns have been satisfied by any means, but I think she will give the Chairman a chance to see what he can come up with by Thursday. Also just a heads up, if the R's do still go through with sending a letter, it sounds like it might not set a specific timeframe for delay, but leave it up to the FCC to decide.

David

From: Sara Morris
To: Sara Morris; Ruth Milkman; Gigi Sohn; Daniel Alvarez; Shannon Gilson; David Toomey; Jonathan Sallet; Philip Verwee
Subject: RE: No Delay letter from Eshoo/Matsui
Date: Monday, May 12, 2014 5:18:49 PM

(b) (5)

From: Sara Morris
Sent: Monday, May 12, 2014 3:59 PM
To: Ruth Milkman; Gigi Sohn; Daniel Alvarez; Shannon Gilson; David Toomey; Jonathan Sallet; Philip Verwee
Subject: No Delay letter from Eshoo/Matsui.

(b) (5)

From: Grossman, David (Eshoo)
Sent: Monday, May 12, 2014 3:50 PM
To: Sara Morris
Subject: NN Letter

Sara, given the report of new changes being circulated, Anna will no longer be sending the letter calling for delay. That's not to say her concerns have been satisfied by any means, but I think she will give the Chairman a chance to see what he can come up with by Thursday. Also just a heads up, if the R's do still go through with sending a letter, it sounds like it might not set a specific timeframe for delay, but leave it up to the FCC to decide.

David

HOCR-01-001534

From: [redacted]
To: [redacted]
Subject: FW: RadComms 2014 [SEC=UNOFFICIAL] [DLM=For Official Use Only]
Date: Tuesday, May 27, 2014 2:45:17 PM
Attachments: [redacted].pdf

Oh wise ones -

Note the attached invitation (although it doesn't name a date in 2105)

I guess I backed myself into this as I turned him down for this year

Thoughts? I'd actually like to do it if it makes sense

T

From: Richard Bean [mailto:[redacted]]
Sent: Friday, May 23, 2014 2:09 AM
To: [redacted]
Cc: Ruth Milkman; Diane Cornell; Mindel DeLaTorre; David Brumfield
Subject: RE: RadComms 2014 [SEC=UNOFFICIAL] [DLM=For Official Use Only]

Tom

Thanks for getting back to me. If things ease up, do let me know - we'd be very happy to make space for you. In the meantime, I'm getting in early with a formal invitation for next year

Best
Richard

Richard Bean
Deputy Chairman
ACMA
T: [redacted] D: [redacted] F: [redacted]
E: [redacted]

From: [redacted]
Sent: Tuesday, 20 May 2014 4:53 AM
To: Richard Bean
Cc: Ruth Milkman; Diane Cornell; Mindel DeLaTorre
Subject: RE: RadComms 2014 [SEC=UNOFFICIAL]

Richard -

Great to hear from you!

Yes, it is never dull here. The Open Internet issue has ignited a firestorm and on top of that it looks like we're heading to a decade-high set of mergers. Oh well, if we had wanted a quiet job neither of us would have taken the jobs we are in.

Thank you for your thoughtful invitation. I would love to get to know Australia. Then only problem is that the aforementioned activities probably make it difficult this year

Can I take a rain check (do you have that expression down there?), perhaps for next year?

HOGI-OI-001536

From: [redacted]
To: [redacted]
Subject: FW: RadComms 2014 [SEC=UNOFFICIAL] [DLM=For Official Use Only]
Date: Tuesday, May 27, 2014 2:45:17 PM
Attachments: [redacted].pdf

(b) (5)

(b) (5)

T

From: Richard Bean [mailto:[redacted]]
Sent: Friday, May 23, 2014 2:09 AM
To: [redacted]
Cc: Ruth Milkman; Diane Cornell; Mindel DeLaTorre; David Brumfield
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Richard Bean
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ACMA
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E: [redacted]

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Thank you for your thoughtful invitation. I would love to get to know Australia. Then only problem is that the aforementioned activities probably make it difficult this year

Can I take a rain check (do you have that expression down there?), perhaps for next year?

From: Sara Morris
To: Daniel Alvarez; Lamar Robertson; Lori Maarbjerg; Ruth Milkman; Philip Verveer; Renee Gregory; Maria Kirby; Gigi Sohn; Diane Cornell; David Toomey; Jim Balaguer; Chris Moore; Kevin Holmes; Patrick Halley; Timothy Strachan; Jill Pender; Jonathan Sallet; Shannon Gilson; Sagar Doshi; Kim Hart; Neil Grace; Mark Wigfield
Subject: RE: Wheeler Testimony for 5.20 E&C/C&T FCC Oversight hearing
Date: Monday, May 19, 2014 10:00:06 AM
Attachments: Democratic Memo 5-20-14.pdf

Democratic Memo for tomorrow's hearing is attached. In addition to the standard stuff, it tees-up some possible questions the Chairman may get on the inchoate Comcast-TWC transaction, including harm to over-the-top content providers and undue concentration in "must-have" sports networks.

From: Sara Morris
Sent: Friday, May 16, 2014 5:40 PM
To: Daniel Alvarez; Lamar Robertson; Lori Maarbjerg; Ruth Milkman; Philip Verveer; Renee Gregory; Maria Kirby; Gigi Sohn; Diane Cornell; David Toomey; Jim Balaguer; Chris Moore; Kevin Holmes; Patrick Halley; Timothy Strachan; Jill Pender; Jonathan Sallet; Shannon Gilson; Sagar Doshi; Kim Hart; Neil Grace; Mark Wigfield
Subject: RE: Wheeler Testimony for 5.20 E&C/C&T FCC Oversight hearing

Majority hearing memo has been posted
<http://docs.house.gov/meetings/IF/IF16/20140520/102238/HHRG-113-IF16-20140520-SD002.pdf>
Notable

- Continues to press the Republican mantra that the reserve spectrum violates the express language of the Spectrum Act, but concedes, based on ex parte, that the final Order may "Take a more balanced approach." Ray Baum (Walden) said as much in a shout-out during the phone briefing we provided House E&C staff this afternoon.
- On Open Internet, they note "particular concern" about the title II – "with its roots in 19th century railroad regulation" – and say "the practical consequences of reclassification are to give the FCC authority to second-guess business decisions and regulate the Internet."
- Tees up discussion of the processing guidelines PN, noting the NAB lawsuit citing lack of adequate notice and comment. Then pivots on that same example to question Chairman's commitment to process reform, citing the PN "changed the official policy of the Commission without a vote or deliberation of the Commissioners." [Is there any "official policy" they can point to? Believe not, which could be a good come-back that no such "official policy" existed – if it did it would be written down somewhere (is it?), which is PRECISELY WHY the PN was needed – to bring clarity and transparency to the process in terms of the criteria the Commission would use when reviewing transactions.]

Done Have a great weekend, all

Sara

From: Sara Morris
Sent: Friday, May 16, 2014 4:45 PM
To: Daniel Alvarez; Lamar Robertson; Lori Maarbjerg; Ruth Milkman; Philip Verveer; Renee Gregory; Maria Kirby; Gigi Sohn; Diane Cornell; David Toomey; Jim Balaguer; Chris Moore; Kevin Holmes; Patrick Halley; Timothy Strachan; Jill Pender; Jonathan Sallet; Shannon Gilson; Sagar Doshi; Kim Hart; Neil Grace; Mark Wigfield
Subject: Wheeler Testimony for 5.20 E&C/C&T FCC Oversight hearing

HOCR-01-001539

From: Sara Morris
To: Daniel Alvarez; Lamar Robertson; Lori Maarbjerg; Ruth Milkman; Philip Verveer; Renee Gregory; Maria Kirby; Gigi Sohn; Diane Cornell; David Toomey; Jim Balaguer; Chris Moore; Kevin Holmes; Patrick Halley; Timothy Strachan; Jill Pender; Jonathan Sallet; Shannon Gilson; Sagar Doshi; Kim Hart; Neil Grace; Mark Wigfield
Subject: RE: Wheeler Testimony for 5.20 E&C/C&T FCC Oversight hearing
Date: Monday, May 19, 2014 10:00:06 AM
Attachments: Democratic Memo 5-20-14.pdf

Democratic Memo for tomorrow's hearing is attached. (b) (5)

(b) (5)

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(b) (5)

Sara

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Subject: Wheeler Testimony for 5.20 E&C/C&T FCC Oversight hearing

Mr. Chairman, Ruth, and all,

The final written testimony has been transmitted to the Subcommittee. A .pdf copy is attached.

Thanks again for everyone's great work on this, especially Lamar's magic pen. 🍷

Have a great weekend!

Sara

Mr. Chairman, Ruth, and all,

The final written testimony has been transmitted to the Subcommittee. A .pdf copy is attached.

Thanks again for everyone's great work on this, (b) (5)

Have a great weekend!

Sara

HOCR-01-001540

From: Sara Blakes
To: Eric Holder, Greg Studd, Philip Veysey, Shannon Gibney, Jonathan Spector, Julie Veeney, Marc Angello, Sam Hart, Neil Gensler, David Fahrenthold
Cc: David Fahrenthold
Subject: FW: Committee Leaders Sound Alarm on FCC's Attempt to Reclassify Internet - Jobs and Innovation at Risk
Date: Tuesday, May 13, 2014 2:19:12 PM

E&C RS' press release on their letter is below

Also, bearing the Green letter (Dems opposing Title II reclassification) has fewer than 6 signers. Dingell is not signing (because he first wants to see the Notice). We met with staff of Senators who signed the Wyden letter and were told they're getting lots of emails and calls on it.

From: Energy and Commerce News
Sent: Tuesday, May 13, 2014 2:12 PM
To: Sara Morris
Subject: Committee Leaders Sound Alarm on FCC's Attempt to Reclassify Internet - Jobs and Innovation at Risk

FOR IMMEDIATE RELEASE
May 13, 2014

CONTACT: Press Office

Committee Leaders Sound Alarm on FCC's Attempt to Reclassify Internet - Jobs and Innovation at Risk

"Such unwarranted and overreaching government intrusion into the broadband marketplace will harm consumers, halt job creation, curtail investment, stifle innovation, and set America down a dangerous path of micromanaging the Internet."

WASHINGTON, DC - House Energy and Commerce Committee Republican leaders today wrote to Federal Communications Commission Chairman Tom Wheeler regarding the commission's consideration of reclassifying broadband Internet as a common carrier telecommunications service under Title II of the Communications Act. Full committee Chairman Fred Upton (R-MI), Vice Chairman Marsha Blackburn (R-TN), Communications and Technology Subcommittee Chairman Greg Walden (R-OR), and Vice Chairman Bob Latta (R-OH) today expressed their "grave concern" regarding the potential harm of such an ill-advised and unnecessary change.

The full text of the letter to Wheeler is below:

Dear Chairman Wheeler:

We write today to express our grave concern that the Commission continues to consider reclassifying Internet broadband service as an old-fashioned "Title II" common carrier service. Such unwarranted and overreaching government intrusion into the broadband marketplace will harm consumers, halt job creation, curtail investment, stifle innovation, and set America down a dangerous path of micromanaging the Internet. The Commission must reject this approach.

Over a decade ago, the FCC wisely rejected calls to regulate broadband service as a Title II service, noting Congress's explicit direction to leave the Internet "unfettered by federal or state regulation." The result of this regulatory restraint has been billions of dollars in private sector investment, tremendous annual increases in broadband speeds, and an explosion of applications, content and services available to consumers over the Internet.

HQGR-OI-001551

From: Sara Blakes
To: Eric Holder, Greg Studd, Philip Veysey, Shannon Gibney, Jonathan Spector, Julie Veeney, Marc Angello, Sam Hart, Neil Gensler, David Fahrenthold
Cc: David Fahrenthold
Subject: FW: Committee Leaders Sound Alarm on FCC's Attempt to Reclassify Internet - Jobs and Innovation at Risk
Date: Tuesday, May 13, 2014 2:19:12 PM

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(b) (5)

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To: Sara Morris
Subject: Committee Leaders Sound Alarm on FCC's Attempt to Reclassify Internet - Jobs and Innovation at Risk

FOR IMMEDIATE RELEASE
May 13, 2014

CONTACT: Press Office

Committee Leaders Sound Alarm on FCC's Attempt to Reclassify Internet - Jobs and Innovation at Risk

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From: Sara Morris
To: TW; Ruth Milkman; Jonathan Sallet; Philip Verveer; Gigi Sohn; Daniel Alvarez; Shannon Gilson; Julie Veach; Stephanie Weiner; Matthew DelNero
Subject: RE: FYI, Ranking Member Waxman on FCC Open Internet NPRM
Date: Wednesday, May 14, 2014 2:26:10 PM

Thx

From: Sara Morris
Sent: Wednesday, May 14, 2014 2:09 PM
To: TW; Ruth Milkman; Jonathan Sallet; Philip Verveer; Gigi Sohn; Daniel Alvarez; Shannon Gilson; Julie Veach; Stephanie Weiner; Matthew DelNero
Cc: David Toomey
Subject: FW: FYI, Ranking Member Waxman on FCC Open Internet NPRM

Mr. Chairman,

Attached is a letter from Rep. Waxman regarding a possible alternative legal approach to OI, specifically suggesting we use Title II as an automatic fall back in case rules under Section 706 fail court challenge. At Ruth's suggestion, Jon, Stephanie and I spoke to Shawn Chang earlier to discuss, and it was agreed that we could include mention of this proposal by way of a 2-sentence reference in the NPRM. Shawn had flagged his request to MC and IR staff, who had no objection.

Sara

From: Chang, Shawn
Sent: Wednesday, May 14, 2014 1:53 PM
To: Chang, Shawn
Subject: FYI, Ranking Member Waxman on FCC Open Internet NPRM

Let me know if you have any questions.

Shawn H. Chang

Chief Counsel
Communications and Technology Policy
Committee on Energy and Commerce
U.S. House of Representatives
Ford House Office Building
Washington, DC 20515

HOCR-OI-001560

From: Sara Morris
To: TW; Ruth Milkman; Jonathan Sallet; Philip Verveer; Gigi Sohn; Daniel Alvarez; Shannon Gilson; Julie Veach; Stephanie Weiner; Matthew DelNero
Subject: RE: FYI, Ranking Member Waxman on FCC Open Internet NPRM
Date: Wednesday, May 14, 2014 2:26:10 PM

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Subject: FW: FYI, Ranking Member Waxman on FCC Open Internet NPRM

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(b) (5)

Sara

From: Chang, Shawn
Sent: Wednesday, May 14, 2014 1:53 PM
To: Chang, Shawn
Subject: FYI, Ranking Member Waxman on FCC Open Internet NPRM

Let me know if you have any questions.

Shawn H. Chang

Chief Counsel
Communications and Technology Policy
Committee on Energy and Commerce
U.S. House of Representatives
Ford House Office Building
Washington, DC 20515

From: Sara Morris
To: Paula Feldman; Philip Verwey; Gia Sober; Jonathan Sallit; Shannon Gibson; Neil Grace; Renee Gregory; David Alvarez
Cc: David Toomey; Jim Balaguer
Subject: FW: Letter to Chairman Wheeler on Net Neutrality
Date: Monday, February 10, 2014 5:51:57 PM
Attachments: Signed Letter to FCC on Net Neutrality.pdf

We received a letter today from the 5 cosponsors of the Markey Open Internet bill – led by Senator Wyden and co-signed by Senators Markey, Blumenthal, Franken. The ask is that we act expeditiously to adopt new rules to prevent blocking and discrimination of Internet traffic, and that those rules be on strong legal footing. Otherwise it is non-prescriptive (but points to the pre-1996 regulation of Internet providers as common carriers and the Verizon court's post that Congress contemplated that the FCC would continue regulating ISP in that prior manner. It's possible this could spur some R's to respond in kind, against Title II reclassification.

Sara

From: Sara Morris
To: Paula Feldman; Philip Verwey; Gia Sober; Jonathan Sallit; Shannon Gibson; Neil Grace; Renee Gregory; David Alvarez
Cc: David Toomey; Jim Balaguer
Subject: FW: Letter to Chairman Wheeler on Net Neutrality
Date: Monday, February 10, 2014 5:51:57 PM
Attachments: Signed Letter to FCC on Net Neutrality.pdf

We received a letter today from the 5 cosponsors of the Markey Open Internet bill – led by Senator Wyden and co-signed by Senators Markey, Blumenthal, Franken. (b) (5)

Sara

HOCR-OI-001564

From: Sara Morris
To: Philip Verveer; Jonathan Sallet; Gigi Sohn; Renee Gregory
Cc: David Toomey; Jim Balaguer
Subject: RE: confidential - draft of legislative proposal discussed
Date: Friday, January 24, 2014 2:39:02 PM

Thanks to those who've provided feedback on this (no concerns expressed). It's likely this will be introduced next week, including with Rep. Fazio as an original co-sponsor, which is good as it pulls back a little on the more prescriptive approach she would prefer. She'll likely make her view on the need to apply to mobile/wireless in any statement they release, but that's fine.

From: Sara Morris
Sent: Tuesday, January 21, 2014 1:14 PM
To: Philip Verveer; Jonathan Sallet; Gigi Sohn; Renee Gregory
Cc: David Toomey; Jim Balaguer
Subject: Fw: confidential - draft of legislative proposal discussed
Importance: High

LEGIS-HOGR

All,

We've received a copy of the draft Waxman legislation on OF that they mentioned to us last week. They would

Sara W. Morris
Director (Acting)
Office of Legislative Affairs
Federal Communications Commission

[sara.morris](#)

From: Chang, Shawn
Sent: Tuesday, January 21, 2014 01:09 PM
To: Sara Morris
Subject: confidential - draft of legislative proposal discussed

Sara:

Please hold this close, but we'd like to get FCC's views on the draft proposal we discussed on Friday. Your timely attention and response is greatly appreciated.

Shawn

HOGR-OI-001615

From: Sara Morris
To: Philip Verveer; Jonathan Sallet; Gigi Sohn; Renee Gregory
Cc: David Toomey; Jim Balaguer
Subject: RE: confidential - draft of legislative proposal discussed
Date: Friday, January 24, 2014 2:39:02 PM

(b) (5)

(b) (5)

(b) (5)

From: Sara Morris
Sent: Tuesday, January 21, 2014 1:14 PM
To: Philip Verveer; Jonathan Sallet; Gigi Sohn; Renee Gregory
Cc: David Toomey; Jim Balaguer
Subject: Fw: confidential - draft of legislative proposal discussed
Importance: High

(b) (5)

Sara W. Morris
Director (Acting)
Office of Legislative Affairs
Federal Communications Commission

[sara.morris](#)

From: Chang, Shawn
Sent: Tuesday, January 21, 2014 01:09 PM
To: Sara Morris
Subject: confidential - draft of legislative proposal discussed

Sara:

Please hold this close, but we'd like to get FCC's views on the draft proposal we discussed on Friday. Your timely attention and response is greatly appreciated.

Shawn

From: Ruth Millman
To: Shannon Gibson; Gigi Sohn; Julie Vucko; Roger Sherman; Benoit Gregory; Jonathan Sallet; Phila Verwey;
Stephanie Winder
Subject: OI Decision Talking Points.docx
Date: Wednesday, January 15, 2014 12:41:56 PM
Attachments: [Version Talking Points.docx](#)

Here are talking points for all of us to use as we talk to various stakeholders. Thanks to Phil for drafting

From: Ruth Millman
To: Shannon Gibson; Gigi Sohn; Julie Vucko; Roger Sherman; Benoit Gregory; Jonathan Sallet; Phila Verwey;
Stephanie Winder
Subject: OI Decision Talking Points.docx
Date: Wednesday, January 15, 2014 12:41:56 PM
Attachments: [Version Talking Points.docx](#)

Here are talking points for all of us to use (b) (5)

(b) (5)

(b) (5)

HOCR-OI-001616

From: Ruth Millman
To: Christiana Barabart
Cc: Renee Grimes
Subject: Chairman's statement on OI decision
Date: Tuesday, January 14, 2014 11:06:58 AM

Daniel is recused – Renee or I will be in touch

Statement Attributable to Chairman Wheeler

"The D.C. Circuit has correctly held that 'Section 706 . . . vests [the Commission] with affirmative authority to enact measures encouraging the deployment of broadband infrastructure' and therefore may 'promulgate rules governing broadband providers' treatment of Internet traffic.' I am committed to maintaining our networks as engines for economic growth, test beds for innovative services and products, and channels for all forms of speech protected by the First Amendment. We will consider all available options, including those for appeal, to ensure that these networks on which the Internet depends continue to provide a free and open platform for innovation and expression, and operate in the interest of all Americans."

Ruth Millman
Chief of Staff
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
[REDACTED]

From: Ruth Millman
To: Christiana Barabart
Cc: Renee Grimes
Subject: Chairman's statement on OI decision
Date: Tuesday, January 14, 2014 11:06:58 AM

(b) (6)

Statement Attributable to Chairman Wheeler

"The D.C. Circuit has correctly held that 'Section 706 . . . vests [the Commission] with affirmative authority to enact measures encouraging the deployment of broadband infrastructure' and therefore may 'promulgate rules governing broadband providers' treatment of Internet traffic.' I am committed to maintaining our networks as engines for economic growth, test beds for innovative services and products, and channels for all forms of speech protected by the First Amendment. We will consider all available options, including those for appeal, to ensure that these networks on which the Internet depends continue to provide a free and open platform for innovation and expression, and operate in the interest of all Americans."

Ruth Millman
Chief of Staff
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
[REDACTED]

HQGR-OI-001628

From: Daniel Alvarez
To: Sara Morris; Ruth Milkman; Jonathan Sallet; Philip Verveer; Gigi Sohn; Justin Cole; Shannon Gilson; Renee Gregory; Neil Grace; Mark Wigfield
Subject: RE: Fwd: NN Opinion
Date: Tuesday, January 14, 2014 10:55:24 AM

Hi all! I've been asked by other offices (in particular, Clyburn) about whether we're putting out a statement and when, and whether we could provide a head's up so they can craft their statements to be consistent with ours. Assuming I can't work on this unless/until we open a new docket, who would be best to coordinate?

Thanks!

Daniel

From: Sara Morris
Sent: Tuesday, January 14, 2014 10:34 AM
To: TW; Ruth Milkman; Jonathan Sallet; Philip Verveer; Gigi Sohn; Justin Cole; Shannon Gilson; Renee Gregory; Daniel Alvarez; Neil Grace; Mark Wigfield
Cc: David Toomey; Jill Pender
Subject: Fw: Fwd: NN Opinion
Importance: High

Sara W. Morris
Director (Acting)
Office of Legislative Affairs
Federal Communications Commission

Sara Morris

From: Chang, Shawn
Sent: Tuesday, January 14, 2014 10:19 AM
To: Sara Morris; David Toomey
Subject: Fwd: NN Opinion

Begin forwarded message:

HOCR-01-001630

From: Daniel Alvarez
To: Sara Morris; Ruth Milkman; Jonathan Sallet; Philip Verveer; Gigi Sohn; Justin Cole; Shannon Gilson; Renee Gregory; Neil Grace; Mark Wigfield
Subject: RE: Fwd: NN Opinion
Date: Tuesday, January 14, 2014 10:55:24 AM

(b) (5)

From: Sara Morris
Sent: Tuesday, January 14, 2014 10:34 AM
To: TW; Ruth Milkman; Jonathan Sallet; Philip Verveer; Gigi Sohn; Justin Cole; Shannon Gilson; Renee Gregory; Daniel Alvarez; Neil Grace; Mark Wigfield
Cc: David Toomey; Jill Pender
Subject: Fw: Fwd: NN Opinion
Importance: High

Sara W. Morris
Director (Acting)
Office of Legislative Affairs
Federal Communications Commission

Sara Morris

From: Chang, Shawn
Sent: Tuesday, January 14, 2014 10:19 AM
To: Sara Morris; David Toomey
Subject: Fwd: NN Opinion

Begin forwarded message:

From: Renee Gregory
To: John Leibowitz; Roger Sherman; Jim Schlichting; Joel Taubenblatt; Michael Janson
Subject: RE: AT&T Introduces Sponsored Data for Mobile Data Subscribers and Businesses
Date: Monday, January 06, 2014 2:21:33 PM

Thanks Bob Quinn called about this on Friday. We are not commenting for now.

FYI, the Chairman has draft language in his Silicon Valley speech as follows:

"The necessity for these policies [FCC oversight and the ability to intervene] and the wisdom of case specific approaches to implementing them is demonstrated by a coincidental occurrence earlier this week. AT&T announced a mobile service offering that enables subscribing firms to cover the airtime costs of accessing their content. Based in part on the premise that mobile service is competitive, the Open Internet Order did not discourage this type of two-sided market for mobile uses. It also made clear, however, that the Commission would monitor these types of development carefully.

This seems to me to be the right approach. It may well be that the kind of offering AT&T has announced enables increased competition and increased efficiency—both things that benefit consumers. It is not the sort of thing that should be prohibited a priori. But, again, history instructs us that not all new proposals from network operators have been benign. There has to be some ability on the part of government to oversee, to assess, and, if warranted, to intervene."

From: John Leibowitz
Sent: Monday, January 06, 2014 2:18 PM
To: Roger Sherman; Renee Gregory; Jim Schlichting; Joel Taubenblatt; Michael Janson
Subject: AT&T Introduces Sponsored Data for Mobile Data Subscribers and Businesses

AT&T Introduces Sponsored Data for Mobile Data Subscribers and Businesses

Customers Can Browse, Stream and Enjoy Without Using Monthly Data Allowance; Provides Opportunities for Businesses Across Multiple Industries

Las Vegas, Nevada, January 06, 2014

AT&T* today unveiled a new way for eligible 4G customers¹ to enjoy mobile content and apps over AT&T's wireless network without impacting their monthly wireless data plan. Similar to 1-800 phone numbers or free shipping for internet commerce, AT&T's new 'Sponsored Data' service opens up new data use options for AT&T wireless customers and customer-friendly mobile broadband channels to businesses that choose to participate as sponsors.

HQGR-OI-001636

From: Renee Gregory
To: John Leibowitz; Roger Sherman; Jim Schlichting; Joel Taubenblatt; Michael Janson
Subject: RE: AT&T Introduces Sponsored Data for Mobile Data Subscribers and Businesses
Date: Monday, January 06, 2014 2:21:33 PM

(b) (5)

From: John Leibowitz
Sent: Monday, January 06, 2014 2:18 PM
To: Roger Sherman; Renee Gregory; Jim Schlichting; Joel Taubenblatt; Michael Janson
Subject: AT&T Introduces Sponsored Data for Mobile Data Subscribers and Businesses

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From: Neil Grace
To: Philip Verveer; Justin Cole; Ruth Milkman; Renee Gregory; Daniel Alvarez; Jonathan Sallet; Gigi Sohn; Sara Morris; Patrick Halley; Shannon Gilson; Mark Wigfield; Stephanie Weiner; Roger Sherman; Julie Veach
Subject: RE: AT&T rollout of sponsored data service at CES
Date: Monday, January 06, 2014 1:29:45 PM

Here is Public Knowledge's statement, issued today:

AT&T to Charge Online Services to Reach Viewers
January 06, 2014
<http://publicknowledge.org/att-charge-online-services-reach-viewers>

Today, AT&T announced a "Sponsored Data" plan that would put it in a position to pick winners and losers online. This plan would require that Internet services pay to make sure customers are able to view their content by exempting it from data caps. Service providers that can't meet the price tag that AT&T sets could be left behind.

The following can be attributed to Michael Weinberg, Acting Co-President:

"The FCC needs to protect consumers and creators from internet service providers (ISPs) who want to pick winners and losers online. This is but the latest example of how data caps are increasingly becoming used to threaten the open internet. As AT&T CEO Randall Stephenson announced in May, data caps are all about forcing content creators to pay and are no longer about any sort of network congestion. In December, Stephenson admitted to investors that they had addressed the network capacity issues that were used to justify data caps in the first place. It is time for the FCC to heed Public Knowledge's over two year old call to investigate data caps and gather basic information about their use. It is impossible for the FCC to examine the impact of today's announcement on net neutrality until it develops an understanding of data caps.

"When it was reported in May that ESPN was in negotiations with a major carrier to pay to be exempt from data caps, Public Knowledge highlighted that this was an obvious violation of net neutrality. The company that connects you to the internet should not be in a position to control what you do on the internet. AT&T's announcement positions itself to do just that.

"In addition to being a ripoff for both consumers and content creators, AT&T's plan erects a massive barrier in front of anyone hoping to be the next big thing online."

Neil Derek Grace
Senior Communications Advisor
Federal Communications Commission

-----Original Message-----

From: Philip Verveer
Sent: Monday, January 06, 2014 1:05 PM
To: Justin Cole; Ruth Milkman; Renee Gregory; Daniel Alvarez; Jonathan Sallet; Gigi Sohn; Neil Grace; Sara Morris; Patrick Halley; Shannon Gilson; Mark Wigfield; Stephanie Weiner; Roger Sherman; Julie Veach
Subject: RE: AT&T rollout of sponsored data service at CES

This is the language that TW has requested and approved for the Silicon Valley speech:

"The necessity for these policies [FCC oversight and the ability to intervene] and the wisdom of case specific approaches to implementing them is demonstrated by a coincidental occurrence earlier this week. AT&T announced a mobile service offering that enables subscribing firms to cover the airtime costs of accessing their content. Based in part on the premise that mobile service is competitive, the

HOG-01-001639

From: Neil Grace
To: Philip Verveer; Justin Cole; Ruth Milkman; Renee Gregory; Daniel Alvarez; Jonathan Sallet; Gigi Sohn; Sara Morris; Patrick Halley; Shannon Gilson; Mark Wigfield; Stephanie Weiner; Roger Sherman; Julie Veach
Subject: RE: AT&T rollout of sponsored data service at CES
Date: Monday, January 06, 2014 1:29:45 PM

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Federal Communications Commission

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Sent: Monday, January 06, 2014 1:05 PM
To: Justin Cole; Ruth Milkman; Renee Gregory; Daniel Alvarez; Jonathan Sallet; Gigi Sohn; Neil Grace; Sara Morris; Patrick Halley; Shannon Gilson; Mark Wigfield; Stephanie Weiner; Roger Sherman; Julie Veach
Subject: RE: AT&T rollout of sponsored data service at CES

(b) (5)

Open Internet Order did not discourage this type of two-sided market for mobile uses. It also made clear, however, that the Commission would monitor these types of development carefully.

This seems to me to be the right approach. It may well be that the kind of offering AT&T has announced enables increased competition and increased efficiency—both things that benefit consumers. It is not the sort of thing that should be prohibited a priori. But, again, history instructs us that not all new proposals from network operators have been benign. There has to be some ability on the part of government to oversee, to assess, and, if warranted, to intervene.³

-----Original Message-----

From: Justin Cole
Sent: Monday, January 06, 2014 12:47 PM
To: Ruth Milkman; Renee Gregory; Daniel Alvarez; Jonathan Sallet; Gigi Sohn; Neil Grace; Sara Morris; Patrick Halley; Shannon Gilson; Mark Wigfield; Stephanie Weiner; Roger Sherman; Julie Veach
Cc: Philip Verveer
Subject: RE: AT&T rollout of sponsored data service at CES

To follow up on Ruth's mail from Friday, Bloomberg News are reporting this and asking if we have any comment; please see enclosed.

Justin - does agency have any comment? thnx-ts [REDACTED] p.s. we already have a story out ...

LAS VEGAS, Jan. 6, 2014 /PRNewswire/ -- AT&T* today unveiled a new way for eligible 4G customers^1 to enjoy mobile content and apps over AT&T's wireless network without impacting their monthly wireless data plan. Similar to 1-800 phone numbers or free shipping for internet commerce, AT&T's new 'Sponsored Data' service opens up new data use options for AT&T wireless customers and customer-friendly mobile broadband channels to businesses that choose to participate as sponsors.

With the new Sponsored Data service, data charges resulting from eligible uses will be billed directly to the sponsoring company; the customer simply enjoys their content via AT&T's wireless data network. Customers will see the service offered as AT&T Sponsored Data, and the usage will appear on their

-----Original Message-----

From: Ruth Milkman
Sent: Friday, January 03, 2014 11:28 AM
To: Renee Gregory; Daniel Alvarez; Jonathan Sallet; Gigi Sohn; Neil Grace; Sara Morris; Patrick Halley; Shannon Gilson; Mark Wigfield; Justin Cole; Stephanie Weiner; Roger Sherman; Julie Veach
Cc: Philip Verveer
Subject: AT&T rollout of sponsored data service at CES

I just got off the phone with Bob Quinn. Adding Gigi. Here's what he said.

On Monday at the AT&T app developers conference at CES, they will introduce a new service -- sponsored data. They are describing this as 1800 data on the wireless side. It allows service providers to pay for data that consumers use. For example, if a customer views a health care video, United Health Care would pick up the tab for that data usage. AT&T will do a slow roll out with a couple of customers -- United Health Care, Kony Mobile Solutions and what he described as "back-end app aggregators, who provide services to app developers). He said slow roll out, but available to anyone who wants it.

He anticipated that open internet issues will be raised by some parties.

Today AT&T is doing a pre-briefing with Ryan Knudson of the WSJ, and also someone from the NYT. The stories will be embargoed until Sunday night.

Phil -- I know you are out of the office -- are you able to work on this with Gigi and OMR? Seems to me we need three things:

1. rapidly to figure out whether we would have a comment if asked by a reporter, and if so, what that

HQGR-OI-001640

(b) (5)

-----Original Message-----

From: Justin Cole
Sent: Monday, January 06, 2014 12:47 PM
To: Ruth Milkman; Renee Gregory; Daniel Alvarez; Jonathan Sallet; Gigi Sohn; Neil Grace; Sara Morris; Patrick Halley; Shannon Gilson; Mark Wigfield; Stephanie Weiner; Roger Sherman; Julie Veach
Cc: Philip Verveer
Subject: RE: AT&T rollout of sponsored data service at CES

(b) (5)

Justin - does agency have any comment? thnx-ts [REDACTED] p.s. we already have a story out ...

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Sent: Friday, January 03, 2014 11:28 AM
To: Renee Gregory; Daniel Alvarez; Jonathan Sallet; Gigi Sohn; Neil Grace; Sara Morris; Patrick Halley; Shannon Gilson; Mark Wigfield; Justin Cole; Stephanie Weiner; Roger Sherman; Julie Veach
Cc: Philip Verveer
Subject: AT&T rollout of sponsored data service at CES

(b) (5)

(b) (5)

(b) (5)

(b) (5)

response would be.

2. factor this into planning for TW CES remarks/attendance since it's likely to come up.
3. consider whether any other outreach/response would be advisable on Monday after the announcement is public.

Others may have thoughts on modifying or supplementing these points. Also, we should give a heads up to TW, which I can do before he leaves for the NTIA meeting at 1:45 pm. But we might want to have our thoughts together first.

-----Original Message-----

From: Renee Gregory
Sent: Friday, January 03, 2014 11:14 AM
To: Daniel Alvarez; Ruth Milkman; Jonathan Sallet
Cc: Philip Verveer
Subject: RE: Message from AT T [REDACTED]

I got a message also, and will call him back.

-----Original Message-----

From: Daniel Alvarez
Sent: Friday, January 03, 2014 11:11 AM
To: Renee Gregory; Ruth Milkman; Jonathan Sallet
Cc: Philip Verveer
Subject: Fw: Message from AT T [REDACTED]

FYI. Bob Q said he would be calling each of you as well (he didn't mention Phil, but I figure you may want to hear this, too). The voicemail is pretty vague but it sounds like AT&T is going to be pre-briefing reporters on some announcement they'll be making Monday that may implicate net neutrality/open Internet. I assume one of you will get to talk to him, but, if not, I can call him back.

Thanks,

Daniel

----- Original Message -----

From: unityconnection
Sent: Friday, January 03, 2014 11:03 AM
To: Daniel Alvarez <daniel_alvarez@att.net>
Subject: Message from AT T [REDACTED]

HOGR-OI-001641

(b) (5)

-----Original Message-----

From: Renee Gregory
Sent: Friday, January 03, 2014 11:14 AM
To: Daniel Alvarez; Ruth Milkman; Jonathan Sallet
Cc: Philip Verveer
Subject: RE: Message from AT T [REDACTED]

(b) (5)

-----Original Message-----

From: Daniel Alvarez
Sent: Friday, January 03, 2014 11:11 AM
To: Renee Gregory; Ruth Milkman; Jonathan Sallet
Cc: Philip Verveer
Subject: Fw: Message from AT T (b) (6) [REDACTED]

(b) (5)

Thanks,

Daniel

----- Original Message -----

From: unityconnection
Sent: Friday, January 03, 2014 11:03 AM
To: Daniel Alvarez <daniel_alvarez@att.net>
Subject: Message from AT T [REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: FW: ICYM: new Tim Wu New Yorker piece
Date: Saturday, May 17, 2014 11:51:08 AM

-----Original Message-----

From: Gigi Sohn
Sent: Friday, May 16, 2014 9:31 PM
To: [REDACTED] Ruth Milkman; Jonathan Sallet; [REDACTED] Philip Verveer; Daniel Alvarez; Shannon Gilson;
'sara_morris@fcc.gov'; Neil Grace; Mark Wigfield; Kim Hart
Subject: ICYM: new Tim Wu New Yorker piece

This hits the theme that what is at issue in this debate is far more than the flow of bits.

<http://www.newyorker.com/online/blogs/elements/2014/05/net-neutrality-and-the-idea-of-america.html>

The article originally said that the Chairman had "passed a rule." I asked Tim to correct it and he did right away. Blamed his editor. G

From: [REDACTED]
To: [REDACTED] (b) (6)
Subject: FW: ICYM: new Tim Wu New Yorker piece
Date: Saturday, May 17, 2014 11:51:08 AM

-----Original Message-----

From: Gigi Sohn
Sent: Friday, May 16, 2014 9:31 PM
To: [REDACTED] Ruth Milkman; Jonathan Sallet; [REDACTED] Philip Verveer; Daniel Alvarez; Shannon Gilson;
'sara_morris@fcc.gov'; Neil Grace; Mark Wigfield; Kim Hart
Subject: ICYM: new Tim Wu New Yorker piece

(b) (5)

<http://www.newyorker.com/online/blogs/elements/2014/05/net-neutrality-and-the-idea-of-america.html>

(b) (5)

HOG-01-001655

Joanne Wall

From: TW
Sent: Tuesday, May 13, 2014 3:01 AM
To: Ruth Milkman, Philip Verveer, Jonathan Sallet, Gigi Sohn, Shannon Gilson, Daniel Alvarez
Subject: More about Roku

This explanation follows up on our discussion earlier today (yesterday)

T

----- Original Message -----

From: Greenfield, Richard
Sent: Monday, May 12, 2014 10:25 PM
To: TW
Subject: RE: Maybe changing wording could help

Time Warner Cable's Roku (and ios/Android apps) inside the home function as managed or specialized network services. The content originates from Time Warner Cable's digital center in Denver and is transported only over TWC infrastructure - it never touches the public internet

Its been described to me as dedicating a channel - you could dedicate to a new HD channel, or more internet bandwidth or voip or in this case to a dedicated IP-based stream of time warner cable linear and on-demand content for third-party devices

It is not removing bandwidth from the Internet service that TWC delivers to me, it is separate pathway -- essentially a fast lane that never gets congested...which I think is exactly what was envisioned in the last FCC rulemaking. There is no cost to the consumer - the cost is on TWC as they have to allocate bandwidth.

TWC subs do not pay extra for this as they are simply watching content in the home via IP vs. traditional QAM - meaning they've already paid for this IP-access. While this is an internal managed service there is nothing that stops a third party from delivering their content to TWC and paying to have it go over a separate channel. That is not what Netflix is paying for today, but nothing would stop Netflix from connecting directly to TWC and delivering a separate IP channel of content

Blog and demo below

In terms of others - Cablevision and Cox have iOS apps that function as managed services and Comcast on the Xbox is a managed service. Dedicated IP-channels, not internet - appears to be the biggest misconception out there right now.

Let me know if a quick phone call can help tomorrow

Roku App Demo:
<https://www.youtube.com/watch?v=hp3N6AFMp1c>

Latest Roku App blog post
<http://www.btgresearch.com/2013/12/23/time-warner-cable-roku-lower-capex-and-superior-user-interface-takeout-price-rising-watch-our-demo/>

-----Original Message-----

1

HOG-01-001729

Joanne Wall

From: TW
Sent: Tuesday, May 13, 2014 3:01 AM
To: Ruth Milkman, Philip Verveer, Jonathan Sallet, Gigi Sohn, Shannon Gilson, Daniel Alvarez
Subject: More about Roku

(b) (5)

----- Original Message -----

From: Greenfield, Richard
Sent: Monday, May 12, 2014 10:25 PM
To: TW
Subject: RE: Maybe changing wording could help

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It is not removing bandwidth from the Internet service that TWC delivers to me, it is separate pathway -- essentially a fast lane that never gets congested...which I think is exactly what was envisioned in the last FCC rulemaking. There is no cost to the consumer - the cost is on TWC as they have to allocate bandwidth.

TWC subs do not pay extra for this as they are simply watching content in the home via IP vs. traditional QAM - meaning they've already paid for this IP-access. While this is an internal managed service there is nothing that stops a third party from delivering their content to TWC and paying to have it go over a separate channel. That is not what Netflix is paying for today, but nothing would stop Netflix from connecting directly to TWC and delivering a separate IP channel of content

Blog and demo below

In terms of others - Cablevision and Cox have iOS apps that function as managed services and Comcast on the Xbox is a managed service. Dedicated IP-channels, not internet - appears to be the biggest misconception out there right now.

Let me know if a quick phone call can help tomorrow

Roku App Demo:
<https://www.youtube.com/watch?v=hp3N6AFMp1c>

Latest Roku App blog post
<http://www.btgresearch.com/2013/12/23/time-warner-cable-roku-lower-capex-and-superior-user-interface-takeout-price-rising-watch-our-demo/>

-----Original Message-----

1

Amy Bender

From: Mike Orielly
Sent: Tuesday, May 13, 2014 2:29 PM
To: Courtney Reinhard; Amy Bender
Subject: RE: fyi

Blackburn letter.

http://blackburn.house.gov/uploadedfiles/blackburn_letter_to_chairman_wheeler.pdf

From: Courtney Reinhard
Sent: Tuesday, May 13, 2014 2:14 PM
To: Mike Orielly; Amy Bender
Subject: RE: fyi

They are on notice now.

From: Mike Orielly
Sent: Tuesday, May 13, 2014 2:13 PM
To: Courtney Reinhard; Amy Bender
Subject: fyi

Marsha Blackburn [REDACTED]

[REDACTED] Will [REDACTED] conduct a cost benefit analysis for #FCCNetNeutrality?
<http://blackburn.house.gov/news/documentsingle.aspx?DocumentID=377412>

Amy Bender

From: Mike Orielly
Sent: Tuesday, May 13, 2014 2:29 PM
To: Courtney Reinhard; Amy Bender
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Blackburn letter.

http://blackburn.house.gov/uploadedfiles/blackburn_letter_to_chairman_wheeler.pdf

From: Courtney Reinhard
Sent: Tuesday, May 13, 2014 2:14 PM
To: Mike Orielly; Amy Bender
Subject: RE: fyi

(b) (5) [REDACTED]

From: Mike Orielly
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To: Courtney Reinhard; Amy Bender
Subject: fyi

Marsha Blackburn [REDACTED]

[REDACTED] Will [REDACTED] conduct a cost benefit analysis for #FCCNetNeutrality?
<http://blackburn.house.gov/news/documentsingle.aspx?DocumentID=377412>

Amy Bender

From: Mike O'Reilly
Sent: Tuesday, January 14, 2014 6:23 PM
To: Amy Bender
Subject: ha! only a matter of time

[haroldfeld](#) [REDACTED]

Dear [#Cogent](#), now good time to ask [#FCC](#) to regulate peering. [#706wishlist](#)

[Expand](#)

HOCR-OI-000697

Amy Bender

From: Mike O'Reilly
Sent: Tuesday, January 14, 2014 6:23 PM
To: Amy Bender
Subject: (b) (5) [REDACTED]

[haroldfeld](#) [REDACTED]

Dear [#Cogent](#), now good time to ask [#FCC](#) to regulate peering. [#706wishlist](#)

[Expand](#)

Amy Bender

From: Amy Bender
Sent: Thursday, January 30, 2014 11:02 AM
To: Courtney Reinhard
Subject: Fw: Six new net neutrality principles?

From: Amy Bender
Sent: Wednesday, January 29, 2014 12:12 PM
To: Mike O'Rielly; Courtney Reinhard; Erin McGrath
Subject: FW: Six new net neutrality principles?

I'm not aware of the six principles. In any event, how would you like me to handle

From: Schwartz, Matthew [REDACTED]
Sent: Wednesday, January 29, 2014 11:57 AM
To: Amy Bender
Subject: Six new net neutrality principles?

Hi Amy,

I was looking through what the commissioners said at an MMTC event a couple weeks ago, and I notice Clyburn said that she will "support the chairman as he lays out the next steps on what I believe is a high-level set of six principles that set clear signals both to consumers and companies."

Do you know what six principles she's talking about? Is it something from Wheeler's office? Has a document been making the rounds?

I appreciate your help.

Matt
[REDACTED]

Matthew S. Schwartz
Communications Daily
Wireline Editor
@TechMSS

Amy Bender

From: Amy Bender
Sent: Thursday, January 30, 2014 11:02 AM
To: Courtney Reinhard
Subject: Fw: Six new net neutrality principles?

From: Amy Bender
Sent: Wednesday, January 29, 2014 12:12 PM
To: Mike O'Rielly; Courtney Reinhard; Erin McGrath
Subject: FW: Six new net neutrality principles?

(b) (5)
[REDACTED]

From: Schwartz, Matthew [REDACTED]
Sent: Wednesday, January 29, 2014 11:57 AM
To: Amy Bender
Subject: Six new net neutrality principles?

Hi Amy,

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Do you know what six principles she's talking about? Is it something from Wheeler's office? Has a document been making the rounds?

I appreciate your help.

Matt
[REDACTED]

Matthew S. Schwartz
Communications Daily
Wireline Editor
@TechMSS

1
HOG-01-000698

Amy Bender

From: Courtney Reinhard
Sent: Wednesday, February 19, 2014 12:09 PM
To: Mike O'Reilly; Amy Bender
Cc: Erin McGrath
Subject: FW: Statement of FCC Commissioner O'Reilly on FCC Chairman Wheeler's "Open Internet" Announcement
Attachments: NN News Release 2 19 14 dot

FYI

From: Ajit Pai
Sent: Wednesday, February 19, 2014 11:57 AM
To: Courtney Reinhard
Subject: FW: Statement of FCC Commissioner O'Reilly on FCC Chairman Wheeler's "Open Internet" Announcement

Hey there, just wanted to let you know that I thought this was great! Solid work by team MQ.

From: Matthew Berry
Sent: Wednesday, February 19, 2014 11:55 AM
To: Ajit Pai; Nicholas Degani; Jeffrey Neumann
Subject: FW: Statement of FCC Commissioner O'Reilly on FCC Chairman Wheeler's "Open Internet" Announcement

From: Courtney Reinhard
Sent: Wednesday, February 19, 2014 11:19 AM
To: Matthew Berry
Subject: FW: Statement of FCC Commissioner O'Reilly on FCC Chairman Wheeler's "Open Internet" Announcement

FYI

From: Susan Fisenne
Sent: Wednesday, February 19, 2014 11:19 AM
To: Susan Fisenne
Cc: Susan Fisenne; Courtney Reinhard
Subject: Statement of FCC Commissioner O'Reilly on FCC Chairman Wheeler's "Open Internet" Announcement

FYI -

Susan

Susan Fisenne
Confidential Assistant
Office of Commissioner Mike O'Reilly
Federal Communications Commission
Washington, D.C. 20554

HOG-01-000701

Amy Bender

From: Courtney Reinhard
Sent: Wednesday, February 19, 2014 12:09 PM
To: Mike O'Reilly; Amy Bender
Cc: Erin McGrath
Subject: FW: Statement of FCC Commissioner O'Reilly on FCC Chairman Wheeler's "Open Internet" Announcement
Attachments: NN News Release 2 19 14 dot

FYI

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(b) (5)

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To: Susan Fisenne
Cc: Susan Fisenne; Courtney Reinhard
Subject: Statement of FCC Commissioner O'Reilly on FCC Chairman Wheeler's "Open Internet" Announcement

FYI -

Susan

Susan Fisenne
Confidential Assistant
Office of Commissioner Mike O'Reilly
Federal Communications Commission
Washington, D.C. 20554

Amy Bender

From: Courtney Reinhard
Sent: Tuesday, January 14, 2014 11:12 AM
To: Mike O'Reilly; Amy Bender; Erin McGrath
Subject: FW: Open Internet decision
Attachments: OI.pdf

FYI

From: Jacob Lewis
Sent: Tuesday, January 14, 2014 11:03 AM
To: Philip Verveer; Ruth Milkman; Gigi Sohn; Daniel Alvarez; Adonis Hoffman; Alison Neplokh; Matthew Berry; Courtney Reinhard
Cc: Jonathan Sallet; Stephanie Weiner; Richard Welch; James Carr; Julie Veach; Roger Sherman
Subject: Open Internet decision

This morning, in an opinion written by Judge Tatel (joined by Judge Rogers), the D.C. Circuit upheld in part the FCC's Open Internet rules. The court ruled that the FCC had properly construed section 706 of the 1996 Telecommunications Act as a grant of authority to promulgate rules governing broadband providers' treatment of Internet traffic. Although it upheld the transparency rule, the court nonetheless vacated the no-blocking and anti-discrimination rules on the ground that they impermissibly imposed common carriage obligations on broadband providers. The court remanded the case for further proceedings consistent with its opinion.

In a separate concurrence and dissent, Judge Silberman stated that he would have found that section 706 did not authorize the FCC to adopt the rules. He also said that he would have found that the Commission's rationale for the rules was arbitrary and capricious, in violation of the APA.

Amy Bender

From: Courtney Reinhard
Sent: Tuesday, January 14, 2014 11:12 AM
To: Mike O'Reilly; Amy Bender; Erin McGrath
Subject: FW: Open Internet decision
Attachments: OI.pdf

FYI

From: Jacob Lewis
Sent: Tuesday, January 14, 2014 11:03 AM
To: Philip Verveer; Ruth Milkman; Gigi Sohn; Daniel Alvarez; Adonis Hoffman; Alison Neplokh; Matthew Berry; Courtney Reinhard
Cc: Jonathan Sallet; Stephanie Weiner; Richard Welch; James Carr; Julie Veach; Roger Sherman
Subject: Open Internet decision

(b) (5)



HOGR-OI-000702

Courtney Reinhard

From: Courtney Reinhard
Sent: Tuesday, May 13, 2014 6:58 PM
To: Mike ORIelly; Amy Bender; Erin McGrath
Subject: RE: exactly 3.

That is hilarious

From: Mike ORIelly
Sent: Tuesday, May 13, 2014 6:57 PM
To: Courtney Reinhard; Amy Bender; Erin McGrath
Subject: exactly 3.

Matthew S. Schwartz [REDACTED]

Net neutrality protest had but 3 people at noon. There were more protesters "at Potbelly's" around corner. I was told pic.twitter.com/5msfE5KgX2

Courtney Reinhard

From: Courtney Reinhard
Sent: Tuesday, May 13, 2014 6:58 PM
To: Mike ORIelly; Amy Bender; Erin McGrath
Subject: RE: exactly 3.

(b) (5)

From: Mike ORIelly
Sent: Tuesday, May 13, 2014 6:57 PM
To: Courtney Reinhard; Amy Bender; Erin McGrath
Subject: exactly 3.

Matthew S. Schwartz [REDACTED]

Net neutrality protest had but 3 people at noon. There were more protesters "at Potbelly's" around corner. I was told pic.twitter.com/5msfE5KgX2

Courtney Reinhard

From: Courtney Reinhard
Sent: Tuesday, May 13, 2014 11:44 AM
To: Mike O'Rielly
Subject: RE: cool

It's all good.

From: Mike O'Rielly
Sent: Tuesday, May 13, 2014 11:43 AM
To: Courtney Reinhard
Subject: cool

I've seen this a couple of times on Twitter. This is good for us. They all indicate it is Pai's complaint.

Amy Schatz [REDACTED]

Republican FCC members still haven't seen #NetNeutrality draft. [REDACTED] office says. Calls on [REDACTED] to "stop blocking" them.

cecilia kang [REDACTED]

As of a.m., Republican FCC members hadn't seen new #netneutrality proposal, according to Pai office. Dems are on "fast lane" they complain.

1
HOGR-OI-000716

Courtney Reinhard

From: Courtney Reinhard
Sent: Tuesday, May 13, 2014 11:44 AM
To: Mike O'Rielly
Subject: RE: cool

(b) (5)
[REDACTED]

From: Mike O'Rielly
Sent: Tuesday, May 13, 2014 11:43 AM
To: Courtney Reinhard
Subject: cool

(b) (5)
[REDACTED]

Amy Schatz [REDACTED]

Republican FCC members still haven't seen #NetNeutrality draft. [REDACTED] office says. Calls on [REDACTED] to "stop blocking" them.

cecilia kang [REDACTED]

As of a.m., Republican FCC members hadn't seen new #netneutrality proposal, according to Pai office. Dems are on "fast lane" they complain.

1

Courtney Reinhard

From: Mike Orielly
Sent: Thursday, April 24, 2014 8:29 AM
To: Courtney Reinhard, Amy Bender
Subject: quite the quandry for chairman

ceciliakang [REDACTED]

FCC Chair: reports we're gutting net neutrality "flat out wrong," but he's got lots of explaining to do
<http://wapo.st/1robKXR>



Katy Bachman [REDACTED]

#FCC scrambles to clarify its #netneutrality rules [REDACTED] UPDATE
<http://www.adweek.com/news/technology/fcc-vote-new-net-neutrality-rules-next-month-157213...>

1

HOCR-OI-000717

Courtney Reinhard

From: Mike Orielly
Sent: Thursday, April 24, 2014 8:29 AM
To: Courtney Reinhard, Amy Bender
Subject: (b) (5)

ceciliakang [REDACTED]

FCC Chair: reports we're gutting net neutrality "flat out wrong," but he's got lots of explaining to do
<http://wapo.st/1robKXR>



Katy Bachman [REDACTED]

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<http://www.adweek.com/news/technology/fcc-vote-new-net-neutrality-rules-next-month-157213...>

1

Courtney Reinhard

From: Mike Orielly
Sent: Monday, April 28, 2014 2:19 PM
To: Courtney Reinhard
Subject: Fw: new nn regs

Thoughts?

From: Mody, Arjun (RPC) [REDACTED]
Sent: Monday, April 28, 2014 01:43 PM
To: Mike Orielly
Subject: new nn regs

Hey Mike –

Hope you're well.

I'm going to have my boss mention your May 15 meeting and proposed rulemaking at policy lunch tomorrow. If there was one key thing he should mention – what would be most helpful for that room?

Thanks!

Arjun

Courtney Reinhard

From: Mike Orielly
Sent: Monday, April 28, 2014 2:19 PM
To: Courtney Reinhard
Subject: Fw: new nn regs

(b) (5)

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Thanks!

Arjun

Courtney Reinhard

From: Mike Orielly
Sent: Monday, April 28, 2014 2:55 PM
To: Courtney Reinhard
Subject: RE: new nn regs

What about this?

Here is my one thing to keep in mind: These are proposed rules with the intent to have final rules at end of year. Accordingly (and perhaps intentionally) they are missing crucial details to know how bad they will end up. The framework discussed is so loosey-goosey that one can't tell if it is just bad or nuclear winter bad. Suffice it to say, the framework under discussion will impose the FCC into Internet business lines where it hasn't been before and allow the FCC to intercede in almost any Internet commercial relationship based on little to no clear standards.

From: Mody, Arjun (RPC) [REDACTED]
Sent: Monday, April 28, 2014 1:43 PM
To: Mike Orielly
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From: Mike Orielly
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(b) (5)



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Thanks!

Arjun

Courtney Reinhard

From: Mike ORIelly
Sent: Tuesday, May 13, 2014 1:38 PM
To: Courtney Reinhard
Subject: RE: press query re Republican Commissioners' access to revised draft NPRM

Do whatever you did with the others. Probably no comment.

From: Courtney Reinhard
Sent: Tuesday, May 13, 2014 1:37 PM
To: Mike ORIelly
Subject: Re: press query re Republican Commissioners' access to revised draft NPRM

ignore? Call and say no comment?

From: Mike ORIelly
Sent: Tuesday, May 13, 2014 01:01 PM
To: Courtney Reinhard
Subject: FW: press query re Republican Commissioners' access to revised draft NPRM

From: Stanton, Lynn [REDACTED]
Sent: Tuesday, May 13, 2014 12:36 PM
To: Mike ORIelly
Subject: press query re Republican Commissioners' access to revised draft NPRM

Commissioner Pai today released a statement regarding lack of access for Republican Commissioners to the revised open Internet NPRM being circulated for this week's meeting. I was wondering if you had any comment on that issue?

Lynn Stanton
Senior Editor, Telecommunications Reports & TRDaily
Wolters Kluwer Law & Business
1015 15th St. NW, 10th Floor
Washington, DC 20005
[REDACTED]

Courtney Reinhard

From: Mike ORIelly
Sent: Tuesday, May 13, 2014 1:38 PM
To: Courtney Reinhard
Subject: RE: press query re Republican Commissioners' access to revised draft NPRM

(b) (5)

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Senior Editor, Telecommunications Reports & TRDaily
Wolters Kluwer Law & Business
1015 15th St. NW, 10th Floor
Washington, DC 20005
[REDACTED]

Mike O'Rielly

From: Mike O'Rielly
Sent: Monday, May 19, 2014 1:53 PM
To: 'Courtney Reinhard'
Subject: RE: Interview: The Laura Ingraham Show

agree

From: Courtney Reinhard
Sent: Monday, May 19, 2014 1:53 PM
To: Mike O'Rielly
Subject: Fw: Interview: The Laura Ingraham Show

What say you, I recommend no.

From: Susan Fisenne
Sent: Monday, May 19, 2014 01:33 PM
To: Courtney Reinhard
Subject: FW: Interview: The Laura Ingraham Show

From: James Beattie [mailto:]
Sent: Monday, May 19, 2014 1:32 PM
To: Susan Fisenne
Subject: Re: Interview: The Laura Ingraham Show

Hello Susan,

I hope all is well. Laura would love to have Commissioner O'Rielly on the show this Wednesday, May 21 at 10:30 AM EDT to discuss allowing broadband service providers to sell internet "fast lanes." Laura would love to have him on the show!

Please respond as soon as possible, as this is time sensitive. Thank you for your help.

Best,

James

On Tue, Mar 18, 2014 at 8:48 AM, James Beattie < > wrote:
No problem, I understand completely. We will try another time.

Best,

James

On Tuesday, March 18, 2014, Susan Fisenne < > wrote:

HOGR-OI-000729

Mike O'Rielly

From: Mike O'Rielly
Sent: Monday, May 19, 2014 1:53 PM
To: 'Courtney Reinhard'
Subject: RE: Interview: The Laura Ingraham Show

(b) (5)

From: Courtney Reinhard
Sent: Monday, May 19, 2014 1:53 PM
To: Mike O'Rielly
Subject: Fw: Interview: The Laura Ingraham Show

(b) (5)

From: Susan Fisenne
Sent: Monday, May 19, 2014 01:33 PM
To: Courtney Reinhard
Subject: FW: Interview: The Laura Ingraham Show

From: James Beattie [mailto:(b) (6)]
Sent: Monday, May 19, 2014 1:32 PM
To: Susan Fisenne
Subject: Re: Interview: The Laura Ingraham Show

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James

On Tuesday, March 18, 2014, Susan Fisenne < > wrote:

Mike ORIelly

From: Mike ORIelly
Sent: Tuesday, May 13, 2014 3:35 PM
To: Courtney Reinhard; Amy Bender
Subject: RE: ICYMI: JOINT RELEASE: Senate Republican Leaders to FCC: Leave Internet Open and Free

Deep breath. They can only tackle so much. It is not an endorsement of 706.

From: Courtney Reinhard
Sent: Tuesday, May 13, 2014 3:33 PM
To: Mike ORIelly; Amy Bender
Subject: Fw: ICYMI: JOINT RELEASE: Senate Republican Leaders to FCC: Leave Internet Open and Free

But 706 is ok?

From: Quinalty, David (Commerce) [REDACTED]
Sent: Tuesday, May 13, 2014 03:26 PM
To: Quinalty, David (Commerce) [REDACTED]
Subject: ICYMI: JOINT RELEASE: Senate Republican Leaders to FCC: Leave Internet Open and Free

In case you missed it.

Please find below a joint release issued by Senate Republican leaders regarding a letter they sent to the FCC today about regulation of the Internet.

Q

From: Strong, AshLee (Republican-Conf)
Sent: Tuesday, May 13, 2014 3:24 PM
Subject: JOINT RELEASE: Senate Republican Leaders to FCC: Leave Internet Open and Free

United States Senate

FOR IMMEDIATE RELEASE
May 13, 2014
<http://1.usa.gov/1mmspB>

Thune: AshLee Strong [REDACTED]
McConnell: Michael Brumas [REDACTED]
Cornyn: Megan Mitchell [REDACTED]
Barrasso: Emily Schillinger [REDACTED]
Blunt: Amber Marchand [REDACTED]
Moran: Garrette Silverman [REDACTED]

Senate Republican Leaders to FCC: Leave Internet Open and Free

WASHINGTON, D.C.—U.S. Senate Republican leaders, including Leader Mitch McConnell (R-Kentucky), Whip John Cornyn (R-Texas), Conference Chairman and Ranking Member of the Commerce, Science, and Transportation Committee John Thune (R-South Dakota), Policy Chairman John Barrasso (R-Wyoming),

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HOCR-OI-000733

Mike ORIelly

From: Mike ORIelly
Sent: Tuesday, May 13, 2014 3:35 PM
To: Courtney Reinhard; Amy Bender
Subject: RE: ICYMI: JOINT RELEASE: Senate Republican Leaders to FCC: Leave Internet Open and Free

(b) (5)

From: Courtney Reinhard
Sent: Tuesday, May 13, 2014 3:33 PM
To: Mike ORIelly; Amy Bender
Subject: Fw: ICYMI: JOINT RELEASE: Senate Republican Leaders to FCC: Leave Internet Open and Free

(b) (5)

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Senate Republican Leaders to FCC: Leave Internet Open and Free

WASHINGTON, D.C.—U.S. Senate Republican leaders, including Leader Mitch McConnell (R-Kentucky), Whip John Cornyn (R-Texas), Conference Chairman and Ranking Member of the Commerce, Science, and Transportation Committee John Thune (R-South Dakota), Policy Chairman John Barrasso (R-Wyoming),

44

Mike ORIelly

From: Mike ORIelly
Sent: Monday, May 12, 2014 3:27 PM
To: Amy Bender; Courtney Reinhard
Subject: RE: (BN) Web Fast-Lane Backlash Gets FCC's Wheeler to Offer Tougher



cciliakang [REDACTED]
Update (2) Frustration is "bipartisan," according to one official at a commissioner's office. #NetNeutrality

cciliakang [REDACTED]

Update: #FCC official: no new #netneutrality plan seen yet, "Considerable frustration" 72hrs to vote members getting updates from press

From: Amy Bender
Sent: Monday, May 12, 2014 3:25 PM
To: Courtney Reinhard; Mike ORIelly
Subject: RE: (BN) Web Fast-Lane Backlash Gets FCC's Wheeler to Offer Tougher

I can't wait to see the new draft. But Daniel was not sure that we would get it today.

From: Courtney Reinhard
Sent: Monday, May 12, 2014 3:07 PM
To: Mike ORIelly
Cc: Amy Bender
Subject: FW: (BN) Web Fast-Lane Backlash Gets FCC's Wheeler to Offer Tougher

FYI—I talked to him, but obviously said nothing.

From: Todd Shields (BLOOMBERG/ NEWSROOM:) [REDACTED]
Sent: Monday, May 12, 2014 2:58 PM
To: Courtney Reinhard
Subject: (BN) Web Fast-Lane Backlash Gets FCC's Wheeler to Offer Tougher

Courtney, coming your way soon ... if not already there (the proposal that is). best-ts 202 624-1909

Todd Shields
Bloomberg News
media, tech, telecom reporter - Washington
[REDACTED]

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HOG-01-000737

Mike ORIelly

From: Mike ORIelly
Sent: Monday, May 12, 2014 3:27 PM
To: Amy Bender; Courtney Reinhard
Subject: RE: (BN) Web Fast-Lane Backlash Gets FCC's Wheeler to Offer Tougher



cciliakang [REDACTED]
Update (2) Frustration is "bipartisan," according to one official at a commissioner's office. #NetNeutrality

cciliakang [REDACTED]

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Todd Shields
Bloomberg News
media, tech, telecom reporter - Washington
[REDACTED]

54

Mike ORIelly

From: Ajit Pai
Sent: Tuesday, May 06, 2014 12:27 PM
To: Mike ORIelly
Subject: RE: FYI -- my first op-ed

Great work, my friend! Finally had a chance to read it. It's terrific to see it on the page -- trust you feel the same and hope you're enjoying the positive feedback. Look forward to toiling in the trenches with you over the next week and change!

From: Mike ORIelly
Sent: Tuesday, May 06, 2014 9:00 AM
To: Ajit Pai
Subject: FYI -- my first op-ed

The attached op-ed ran in The Hill today. Keep up the fight!

1

HOCR-OI-000743

Mike ORIelly

From: Ajit Pai
Sent: Tuesday, May 06, 2014 12:27 PM
To: Mike ORIelly
Subject: RE: FYI -- my first op-ed

(b) (5)

From: Mike ORIelly
Sent: Tuesday, May 06, 2014 9:00 AM
To: Ajit Pai
Subject: FYI -- my first op-ed

The attached op-ed ran in The Hill today. (b) (5)

1

Mike O'Rielly

From: Mike O'Rielly
Sent: Wednesday, April 23, 2014 3:55 PM
To: Courtney Reinhard
Subject: RE: Commissioner O'Rielly 4/23/14 Open Meeting Statements

First shot on NN

At first review, the underlying premise of the Commission's net neutrality rules is so cataclysmically flawed and only exceeded in its defectiveness by the make-believe statutory authority the item uses to justify such actions. While I need to read the item closer, it is unlikely that I will be able to support this effort, which will stifle innovation, curtail investment by the private sector, provide no help to consumers, and thrust the FCC into a place it shouldn't be. A true and accurate view of the U.S. broadband market – which must include wireless broadband – shows how dynamic and competitive it is. I have serious concern that this item heads the Commission down a slippery slope of involvement deep into internet activities, including the application layer, which has succeeded despite, not because, of the Commission's assistance.

From: Courtney Reinhard
Sent: Wednesday, April 23, 2014 3:43 PM
To: Mike O'Rielly
Subject: RE: Commissioner O'Rielly 4/23/14 Open Meeting Statements

Yes, it will be good to have.

From: Mike O'Rielly
Sent: Wednesday, April 23, 2014 3:43 PM
To: Courtney Reinhard
Subject: RE: Commissioner O'Rielly 4/23/14 Open Meeting Statements

Good point. Need one for incentive auction too?

From: Courtney Reinhard
Sent: Wednesday, April 23, 2014 3:42 PM
To: Mike O'Rielly
Subject: FW: Commissioner O'Rielly 4/23/14 Open Meeting Statements

FYI – I think you should get a statement ready for these type of inquiries.

From: Barnes, Peter
Sent: Wednesday, April 23, 2014 3:35 PM
To: Susan Fisonne
Cc: Courtney Reinhard
Subject: RE: Commissioner O'Rielly 4/23/14 Open Meeting Statements

Susan,

Who handles media requests for the Commissioner?

145

HQGR-OI-000748

Mike O'Rielly

From: Mike O'Rielly
Sent: Wednesday, April 23, 2014 3:55 PM
To: Courtney Reinhard
Subject: RE: Commissioner O'Rielly 4/23/14 Open Meeting Statements

(b) (5)

From: Courtney Reinhard
Sent: Wednesday, April 23, 2014 3:43 PM
To: Mike O'Rielly
Subject: RE: Commissioner O'Rielly 4/23/14 Open Meeting Statements

(b) (5)

From: Mike O'Rielly
Sent: Wednesday, April 23, 2014 3:43 PM
To: Courtney Reinhard
Subject: RE: Commissioner O'Rielly 4/23/14 Open Meeting Statements

(b) (5)

From: Courtney Reinhard
Sent: Wednesday, April 23, 2014 3:42 PM
To: Mike O'Rielly
Subject: FW: Commissioner O'Rielly 4/23/14 Open Meeting Statements

(b) (5)

From: Barnes, Peter
Sent: Wednesday, April 23, 2014 3:35 PM
To: Susan Fisonne
Cc: Courtney Reinhard
Subject: RE: Commissioner O'Rielly 4/23/14 Open Meeting Statements

Susan,

Who handles media requests for the Commissioner?

145

Mike O'Reilly

From: Courtney Reinhard
Sent: Tuesday, March 11, 2014 9:42 AM
To: Mike O'Reilly
Subject: RE: What Does Section 706 Really Mean? Find Out During The "Conversation With FCC Commissioner Michael O'Reilly"

Unbelievable. Never again.

From: Mike O'Reilly
Sent: Tuesday, March 11, 2014 9:41 AM
To: Courtney Reinhard
Subject: FW: What Does Section 706 Really Mean? Find Out During The "Conversation With FCC Commissioner Michael O'Reilly"

Ugh

From: info@ [REDACTED]
Sent: Tuesday, March 11, 2014 9:40 AM
To: Mike O'Reilly
Subject: What Does Section 706 Really Mean? Find Out During The "Conversation With FCC Commissioner Michael O'Reilly"

Having trouble viewing this email? [Click here](#)



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FSF'S SIXTH ANNUAL TELECOM POLICY CONFERENCE
MARCH 18, 2014

51

HOGR-OI-000769

Mike O'Reilly

From: Courtney Reinhard
Sent: Tuesday, March 11, 2014 9:42 AM
To: Mike O'Reilly
Subject: RE: What Does Section 706 Really Mean? Find Out During The "Conversation With FCC Commissioner Michael O'Reilly"

(b) (5)

From: Mike O'Reilly
Sent: Tuesday, March 11, 2014 9:41 AM
To: Courtney Reinhard
Subject: FW: What Does Section 706 Really Mean? Find Out During The "Conversation With FCC Commissioner Michael O'Reilly"

(b) (5)

From: info@ [REDACTED]
Sent: Tuesday, March 11, 2014 9:40 AM
To: Mike O'Reilly
Subject: What Does Section 706 Really Mean? Find Out During The "Conversation With FCC Commissioner Michael O'Reilly"

Having trouble viewing this email? [Click here](#)



THE FREE STATE FOUNDATION

A Free Market Think Tank for Maryland.....Because Ideas Matter

FSF'S SIXTH ANNUAL TELECOM POLICY CONFERENCE
MARCH 18, 2014

51

Mike ORIelly

From: Mike ORIelly
Sent: Wednesday, February 19, 2014 3:01 PM
To: Courtney Reinhard
Subject: RE: from NPR reporter

Nada. You agree?

From: Courtney Reinhard
Sent: Wednesday, February 19, 2014 2:55 PM
To: Mike ORIelly
Subject: FW: from NPR reporter

What say you?

From: Joel Rose [REDACTED]
Sent: Wednesday, February 19, 2014 2:45 PM
To: Courtney Reinhard
Subject: from NPR reporter

I'm a reporter for NPR News covering today's announcement about Open Internet rules.

I'm writing to request a brief phone interview with Commissioner O'Rielly. We would need to record this **no later than 4:30 pm ET today**

Thanks either way for your quick reply!

Best,
Joel

NPR | Joel Rose | Reporter | [jrose](#) [REDACTED]

63

HQGR-OI-000782

Mike ORIelly

From: Mike ORIelly
Sent: Wednesday, February 19, 2014 3:01 PM
To: Courtney Reinhard
Subject: RE: from NPR reporter

(b) (5)

From: Courtney Reinhard
Sent: Wednesday, February 19, 2014 2:55 PM
To: Mike ORIelly
Subject: FW: from NPR reporter

(b) (5)

From: Joel Rose [REDACTED]
Sent: Wednesday, February 19, 2014 2:45 PM
To: Courtney Reinhard
Subject: from NPR reporter

I'm a reporter for NPR News covering today's announcement about Open Internet rules.

I'm writing to request a brief phone interview with Commissioner O'Rielly. We would need to record this **no later than 4:30 pm ET today**

Thanks either way for your quick reply!

Best,
Joel

NPR | Joel Rose | Reporter | [jrose](#) [REDACTED]

63

Susan Fisenne

From: Courtney Reinhard
Sent: Tuesday, April 29, 2014 3:40 PM
To: Susan Fisenne; Amy Bender
Subject: Re: Net Neutrality Round III

Not yet. My bags are with the front desk.

From: Susan Fisenne
Sent: Tuesday, April 29, 2014 12:38 PM
To: Courtney Reinhard; Amy Bender
Subject: RE: Net Neutrality Round III.

Thanks so much, Courtney! Did they let you check in to your room yet? If so, maybe Mike can put his suitcase in your room until his is ready?

From: Courtney Reinhard
Sent: Tuesday, April 29, 2014 3:38 PM
To: Susan Fisenne; Amy Bender
Subject: Re: Net Neutrality Round III.

Ok, I circled back with Seton.

From: Susan Fisenne
Sent: Tuesday, April 29, 2014 04:59 AM
To: Courtney Reinhard
Subject: FW: Net Neutrality Round III.

Hi Courtney,

Were you going to contact Seton Motley regarding his 4/24 request for an off-the-record conversation about the Net Neutrality rules? He circled back with me yesterday. Amy indicated that you were going to reach out to him.

From: Amy Bender
Sent: Monday, April 28, 2014 1:21 PM
To: Susan Fisenne
Subject: RE: Net Neutrality Round III.

I think Courtney was going to take this one.

From: Susan Fisenne
Sent: Monday, April 28, 2014 1:02 PM
To: Amy Bender
Subject: FW: Net Neutrality Round III.

Hi Amy,

Are you able to reach out to Seton?

Thanks!

HOG-01-000795

Susan Fisenne

From: Courtney Reinhard
Sent: Tuesday, April 29, 2014 3:40 PM
To: Susan Fisenne; Amy Bender
Subject: Re: Net Neutrality Round III

(b) (6)

From: Susan Fisenne
Sent: Tuesday, April 29, 2014 12:38 PM
To: Courtney Reinhard; Amy Bender
Subject: RE: Net Neutrality Round III.

Thanks so much, Courtney! (b) (6)

(b) (6)

From: Courtney Reinhard
Sent: Tuesday, April 29, 2014 3:38 PM
To: Susan Fisenne; Amy Bender
Subject: Re: Net Neutrality Round III.

(b) (5)

From: Susan Fisenne
Sent: Tuesday, April 29, 2014 04:59 AM
To: Courtney Reinhard
Subject: FW: Net Neutrality Round III.

(b) (5)

From: Amy Bender
Sent: Monday, April 28, 2014 1:21 PM
To: Susan Fisenne
Subject: RE: Net Neutrality Round III.

(b) (5)

From: Susan Fisenne
Sent: Monday, April 28, 2014 1:02 PM
To: Amy Bender
Subject: FW: Net Neutrality Round III.

(b) (5)

Susan Fisenne

From: Erin McGrath
Sent: Wednesday, April 23, 2014 3:06 PM
To: Amy Bender; Susan Fisenne
Subject: Re: Meeting of influential VC Brad Burnham and Commissioner O'Reilly this Thursday?

Nope

----- Original Message -----

From: Amy Bender
Sent: Wednesday, April 23, 2014 03:02 PM Eastern Standard Time
To: Susan Fisenne; Erin McGrath
Subject: RE: Meeting of influential VC Brad Burnham and Commissioner O'Reilly this Thursday?

No and I'll be out tomorrow as soon as we wrap up the Why meeting.

-----Original Message-----

From: Susan Fisenne
Sent: Wednesday, April 23, 2014 3:02 PM
To: Amy Bender; Erin McGrath
Subject: FW: Meeting of influential VC Brad Burnham and Commissioner O'Reilly this Thursday?

Hi Amy and Erin,

Have either of you mentioned this to him?

-----Original Message-----

From: Barbara van Schewick [REDACTED]
Sent: Wednesday, April 23, 2014 10:50 AM
To: Amy Bender; Erin McGrath
Cc: Susan Fisenne
Subject: Re: Meeting of influential VC Brad Burnham and Commissioner O'Reilly this Thursday?

Dear all,

I just wanted to follow up on this. Would you or the Commissioner be interested in meeting with Brad Burnham on Thursday? Again, I realize how busy you are and am sorry this is at such a short notice, but I thought you might still appreciate the chance to consider it.

Best,
Barbara

Barbara van Schewick
Professor of Law and (by Courtesy) Electrical Engineering Helen L. Crocker Faculty Scholar Director, Center for Internet and Society Stanford Law School

Author of "Internet Architecture and Innovation," MIT Press 2010 www.netarchitecture.org

Crown Quadrangle

1

HOGR-OI-000805

Susan Fisenne

From: Erin McGrath
Sent: Wednesday, April 23, 2014 3:06 PM
To: Amy Bender; Susan Fisenne
Subject: Re: Meeting of influential VC Brad Burnham and Commissioner O'Reilly this Thursday?

(b) (5)

----- Original Message -----

From: Amy Bender
Sent: Wednesday, April 23, 2014 03:02 PM Eastern Standard Time
To: Susan Fisenne; Erin McGrath
Subject: RE: Meeting of influential VC Brad Burnham and Commissioner O'Reilly this Thursday?

(b)(5) and (b)(6)

-----Original Message-----

From: Susan Fisenne
Sent: Wednesday, April 23, 2014 3:02 PM
To: Amy Bender; Erin McGrath
Subject: FW: Meeting of influential VC Brad Burnham and Commissioner O'Reilly this Thursday?

(b) (5)

-----Original Message-----

From: Barbara van Schewick [REDACTED]
Sent: Wednesday, April 23, 2014 10:50 AM
To: Amy Bender; Erin McGrath
Cc: Susan Fisenne
Subject: Re: Meeting of influential VC Brad Burnham and Commissioner O'Reilly this Thursday?

Dear all,

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Best,
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Barbara van Schewick
Professor of Law and (by Courtesy) Electrical Engineering Helen L. Crocker Faculty Scholar Director, Center for Internet and Society Stanford Law School

Author of "Internet Architecture and Innovation," MIT Press 2010 www.netarchitecture.org

Crown Quadrangle

1

Susan Fisenne

From: Courtney Reinhard
Sent: Thursday, February 06, 2014 4:17 PM
To: Mike O'Reilly, Erin McGrath, Amy Bender
Cc: Susan Fisenne
Subject: RE: Reminder: AEI Previews FCC Open Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

I am playing phone tag with John Cusey – a friend, and director of Gov Affairs

From: Mike O'Reilly
Sent: Thursday, February 06, 2014 3:13 PM
To: Courtney Reinhard; Erin McGrath; Amy Bender
Cc: Susan Fisenne
Subject: FW: Reminder: AEI Previews FCC Open Meeting

This is more info on that invite we discussed

From: Jim Glassman [REDACTED]
Sent: Thursday, February 06, 2014 3:03 PM
To: Mike O'Reilly
Subject: Reminder: AEI Previews FCC Open Meeting

Greetings,

This is a reminder to come to the inaugural "FCC Pre" breakfast, an invitation-only event of AEI's [Center for Internet, Communications, and Technology Policy \(CICT\)](#).

You will be joining a small group of experts to preview the the upcoming FCC open meeting on Feb. 20. We now know that the meeting agenda includes closed captioning and E911 location accuracy. We will be discussing other issues as well, including net neutrality, and issues the group cares to raise.

Please join us on **NEXT WEDNESDAY**, February 12, from 8:30 to 10:00 a.m. at AEI's office on 1150 17th St NW, Washington, DC. A full breakfast will be served.

To RSVP or request further information, please contact CICT's research assistant, Guro Ekrann, at [guro.ekrann](#) [REDACTED]

Sincerely,

Jim Glassman
Visiting Scholar
American Enterprise Institute

HOCR-01-000826

Susan Fisenne

From: Courtney Reinhard
Sent: Thursday, February 06, 2014 4:17 PM
To: Mike O'Reilly, Erin McGrath, Amy Bender
Cc: Susan Fisenne
Subject: RE: Reminder: AEI Previews FCC Open Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

(b) (6)

From: Mike O'Reilly
Sent: Thursday, February 06, 2014 3:13 PM
To: Courtney Reinhard; Erin McGrath; Amy Bender
Cc: Susan Fisenne
Subject: FW: Reminder: AEI Previews FCC Open Meeting

This is more info on that invite we discussed

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To RSVP or request further information, please contact CICT's research assistant, Guro Ekrann, at [guro.ekrann](#) [REDACTED]

Sincerely,

Jim Glassman
Visiting Scholar
American Enterprise Institute

Susan Fisenne

From: Courtney Reinhard
Sent: Wednesday, January 22, 2014 9:57 PM
To: Mike O'Reilly
Cc: Susan Fisenne
Subject: Re: Interview for Mexican newspaper

Follow Up Flag: Follow up
Flag Status: Flagged

I say no- I don't see an upside. But let's discuss with Amy in the morning.

From: Mike O'Reilly
Sent: Wednesday, January 22, 2014 07:10 PM
To: Courtney Reinhard
Cc: Susan Fisenne
Subject: FW: Interview for Mexican newspaper

From: Claudia Ocaranza [REDACTED]
Sent: Wednesday, January 22, 2014 7:09 PM
To: Mike O'Reilly
Subject: Interview for Mexican newspaper

Hello O'Reilly,

I am Claudia Ocaranza, tech reporter for a Mexican newspaper named Excelsior. I am working on a story about the Net Neutrality and the last decision of the D.C. Circuit.

I've already read what Mr. Wheeler wrote on his blog about the topic, but there are some questions I have, would you be interested in having an interview with me? It can be by phone or by e-mail.

This is the link of the website of the newspaper: <http://www.excelsior.com.mx/>

I write for the print edition.

Thank you very much.

Best,

Claudia.

Susan Fisenne

From: Courtney Reinhard
Sent: Wednesday, January 22, 2014 9:57 PM
To: Mike O'Reilly
Cc: Susan Fisenne
Subject: Re: Interview for Mexican newspaper

Follow Up Flag: Follow up
Flag Status: Flagged

(b) (5)

From: Mike O'Reilly
Sent: Wednesday, January 22, 2014 07:10 PM
To: Courtney Reinhard
Cc: Susan Fisenne
Subject: FW: Interview for Mexican newspaper

From: Claudia Ocaranza [REDACTED]
Sent: Wednesday, January 22, 2014 7:09 PM
To: Mike O'Reilly
Subject: Interview for Mexican newspaper

Hello O'Reilly,

I am Claudia Ocaranza, tech reporter for a Mexican newspaper named Excelsior. I am working on a story about the Net Neutrality and the last decision of the D.C. Circuit.

I've already read what Mr. Wheeler wrote on his blog about the topic, but there are some questions I have, would you be interested in having an interview with me? It can be by phone or by e-mail.

This is the link of the website of the newspaper: <http://www.excelsior.com.mx/>

I write for the print edition.

Thank you very much.

Best,

Claudia.

Susan Fisenne

From: Bryan Payne on behalf of EDOCSHELP
Sent: Wednesday, January 15, 2014 11:32 AM
To: Susan Fisenne; EDOCSHELP
Cc: Sharon Hurd; Courtney Reinhard
Subject: RE: Doc ID 325120 O'Reilly's item on Net Neutrality. Thanks.

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Susan,

Doc. 325120 has been replaced.

Save Thing!

Bryan Payne
OMD/OSEC/IRG
Information Systems Support Specialist

From: Susan Fisenne
Sent: Wednesday, January 15, 2014 11:17 AM
To: EDOCSHELP
Cc: Sharon Hurd; Courtney Reinhard
Subject: RE: Doc ID 325120 O'Reilly's item on Net Neutrality. Thanks.

Good morning,

There is a typo in Commissioner O'Reilly's statement on Net Neutrality. The attached version is correct. Will you please replace his net neutrality statement on the web with the attached corrected version?

Thank you so much and thanks Sharon for the catch!
Susan

From: Sharon Hurd
Sent: Wednesday, January 15, 2014 11:03 AM
To: Courtney Reinhard
Cc: Meribeth McCarrick
Subject: Doc ID 325120 O'Reilly's item on Net Neutrality. Thanks.

Can you please correct the word Commissioner in Doc ID 325120? O'Reilly's item on Net Neutrality. When corrected please email a copy to edocshelp and ask for a replacement. Thanks. I will make copies for OMR.

Non-responsive

From: Susan Fisenne
Sent: Wednesday, January 15, 2014 11:17 AM
To: EDOCSHELP
Cc: Sharon Hurd; Courtney Reinhard
Subject: RE: Doc ID 325120 O'Reilly's item on Net Neutrality. Thanks.

Good morning,

There is a typo in Commissioner O'Reilly's statement on Net Neutrality. The attached version is correct. Will you please replace his net neutrality statement on the web with the attached corrected version?

Thank you so much and thanks Sharon for the catch!
Susan

Non-responsive

Susan Fisenne

From: Erin McGrath
Sent: Wednesday, January 15, 2014 11:13 AM
To: Mike O'Reilly, Amy Bender; Courtney Reinhard; Susan Fisenne
Subject: RE: Run of Show and Sample Questions for MMTC's BBSJ 2014 FCC Commissioners Breakfast

Follow Up Flag: Follow up
Flag Status: Flagged

I talked to the Pai office to see what they were planning to do. He will not be giving scripted remarks. At most, he may have bullets. I will type something up for you so that you have something, but you may use up your time just introducing yourself since this will be your first time at an MMTC event.

From: Mike O'Reilly
Sent: Wednesday, January 15, 2014 10:59 AM
To: Amy Bender; Courtney Reinhard; Erin McGrath; Susan Fisenne
Subject: Re: Run of Show and Sample Questions for MMTC's BBSJ 2014 FCC Commissioners Breakfast

So, what panel opening remarks? I wasn't told I had a speech portion or did I miss that? Anyone have anything pithy to say for 5 min. I see Clyburn is coming.

From: Mike O'Reilly
Sent: Wednesday, January 15, 2014 10:41 AM
To: Amy Bender; Courtney Reinhard; Erin McGrath; Susan Fisenne
Subject: FW: Run of Show and Sample Questions for MMTC's BBSJ 2014 FCC Commissioners Breakfast

From: Maurita Coley [REDACTED]
Sent: Wednesday, January 15, 2014 10:38 AM
To: Erin McGrath; Lori Alexiou; Commissioner Deborah Taylor Tate; Jonathan Adelstein; Caitlin Colligan; Tim House; Drema Johnson
Cc: Valery Galasso; Ajit Pai; Mike O'Reilly; Mignon Clyburn; David Honig
Subject: Re: Run of Show and Sample Questions for MMTC's BBSJ 2014 FCC Commissioners Breakfast

Dear Commissioners:

Please note the attached updated run of show for your panel tomorrow morning from 8 am to 9:15am. We look forward to seeing you in a few hours. In view of the net neutrality decision yesterday, we ask that the speakers be prepared for the following additional questions:

1. What is your impression of the D.C. Circuit's decision in [Verizon v. FCC](#), and how will the decision impact people of color and other underserved communities?
2. Do we need a new Telecommunications Act?

MMTC 5th Annual Broadband & Social Justice Summit

HOGR-OI-000832

Susan Fisenne

From: Erin McGrath
Sent: Wednesday, January 15, 2014 11:13 AM
To: Mike O'Reilly, Amy Bender; Courtney Reinhard; Susan Fisenne
Subject: RE: Run of Show and Sample Questions for MMTC's BBSJ 2014 FCC Commissioners Breakfast

Follow Up Flag: Follow up
Flag Status: Flagged

(b) (5)

From: Mike O'Reilly
Sent: Wednesday, January 15, 2014 10:59 AM
To: Amy Bender; Courtney Reinhard; Erin McGrath; Susan Fisenne
Subject: Re: Run of Show and Sample Questions for MMTC's BBSJ 2014 FCC Commissioners Breakfast

(b) (5)

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Subject: FW: Run of Show and Sample Questions for MMTC's BBSJ 2014 FCC Commissioners Breakfast

From: Maurita Coley [REDACTED]
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To: Erin McGrath; Lori Alexiou; Commissioner Deborah Taylor Tate; Jonathan Adelstein; Caitlin Colligan; Tim House; Drema Johnson
Cc: Valery Galasso; Ajit Pai; Mike O'Reilly; Mignon Clyburn; David Honig
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2. Do we need a new Telecommunications Act?

MMTC 5th Annual Broadband & Social Justice Summit

From: Jonathan Sallet
To: Roger Sherman
Subject: Re: JPM Cusick: Net Neutrality: Updated Thoughts as Title II Looks Like Most Likely Path; Expect Public Notice or Even
Date: Thursday, December 04, 2014 7:04:22 AM

Thanks

From: Roger Sherman
Sent: Thursday, December 4, 2014 6:22 AM
To: [REDACTED]
Cc: Ruth Milkman; Julie Veach; Stephanie Weiner; Matthew DelNero; Jonathan Sallet; Philip Verveer
Subject: Fw: JPM Cusick: Net Neutrality: Updated Thoughts as Title II Looks Like Most Likely Path; Expect Public Notice or Even a Full Order Soon

In case you don't get this one.... Roger

From: Philip Cusick, CFA [REDACTED]
Sent: Thursday, December 4, 2014 5:19 AM
To: Roger Sherman
Reply To: Philip Cusick, CFA
Subject: JPM Cusick: Net Neutrality: Updated Thoughts as Title II Looks Like Most Likely Path; Expect Public Notice or Even a Full Order Soon

J.P.Morgan

North America Equity
Research

**Telecom Services and Cable: Net Neutrality: Updated
Thoughts as Title II Looks Like Most Likely Path; Expect
Public Notice or Even a Full Order Soon**



From: Jonathan Sallet
To: Roger Sherman
Subject: Re: JPM Cusick: Net Neutrality: Updated Thoughts as Title II Looks Like Most Likely Path; Expect Public Notice or Even
Date: Thursday, December 04, 2014 7:04:22 AM

Thanks

From: Roger Sherman
Sent: Thursday, December 4, 2014 6:22 AM
To: TW [REDACTED]
Cc: Ruth Milkman; Julie Veach; Stephanie Weiner; Matthew DelNero; Jonathan Sallet; Philip Verveer
Subject: Fw: JPM Cusick: Net Neutrality: Updated Thoughts as Title II Looks Like Most Likely Path; Expect Public Notice or Even a Full Order Soon

In case you don't get this one.... Roger

From: Philip Cusick, CFA [REDACTED]
Sent: Thursday, December 4, 2014 5:19 AM
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Reply To: Philip Cusick, CFA
Subject: JPM Cusick: Net Neutrality: Updated Thoughts as Title II Looks Like Most Likely Path; Expect Public Notice or Even a Full Order Soon

J.P.Morgan

North America Equity
Research

**Telecom Services and Cable: Net Neutrality: Updated
Thoughts as Title II Looks Like Most Likely Path; Expect
Public Notice or Even a Full Order Soon**

Momentum in Washington has swung toward Title II since President Obama released a statement on Monday, Nov. 10, restating his support for an Open Internet and suggesting that the FCC adopt Title II of the Telecommunication Act of 1934 to regulate the consumer side of broadband Internet. While we believe that FCC Chairman Wheeler and carriers would prefer the Section 706 or even "hybrid" approach that was circulating in early November, we believe it would be very difficult for Chairman Wheeler to not follow President Obama's lead and go all the way to Title II. The next step on the part of the FCC is likely either a Public Notice that a Title II with Forbearance solution is possible in order to draw comments and create a record around the issues, or possibly even an FCC Order of Title II that could come immediately without comments. Either way, given that the FCC's agenda is being consumed by this issue, we believe the FCC wants to expedite the process, and we could see an announcement as early as this month. While Title II would create significant regulatory burdens and uncertainties for carriers for the long term, we keep in mind that legal challenges are very likely and current business practices would be very little changed, so we would look at any significant selloff in our telco/cable coverage as a buying opportunity.

- We believe Title II is the wrong regulatory regime, despite forbearance, given higher regulatory oversight and uncertainty. We believe that because Broadband is a natural monopoly/duopoly and is viewed as a national asset, there is always a risk of price regulation if carriers were to act badly, regardless

HOGR-OI-000166

WASHINGTON, D.C.-- Energy and Commerce Committee Ranking Member Henry A. Waxman issued the following statement on President Obama's support for a free and open Internet, calling upon the FCC to establish strong net neutrality rules:

"Today is a great day for the Internet. The President has called on the FCC to adopt the three cornerstones of a free and open Internet: no blocking, no throttling, and no paid prioritization.

"The President is showing true leadership. He has given strong, unequivocal support for robust open Internet protections. And he has made it clear that he stands with consumers and the public, not the cable and phone companies that could profit by turning the Internet into slow and fast lanes.

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Sent: Monday, November 10, 2014 11:53 AM
To: Tom Wheeler; Ruth Milkman; Gigi Sohn; Daniel Alvarez; Shannon Gilson; Kim Hart; Philip Verveer; Julie Veach; Roger Sherman; Eric Feigenbaum; Renee Gregory; Jonathan Sallet; Stephanie Weiner; Jennifer Tatal
Cc: Sara Morris; David Toomey
Subject: Pelosi, Eshoo. Matsui Open Internet Statements

Mr. Chairman and others,

Please find appended below statements from Leader Pelosi and Representatives Eshoo and Matsui in response to the President's statement about the Open Internet. [REDACTED]

Please let me know if you need additional information.

Thanks,

Andrew

Pelosi Statement on President Obama's Net Neutrality Announcement

House Democratic Leader Nancy Pelosi issued the following statement in Obama's video remarks encouraging the Federal Communications

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HOGR-OI-000193

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"Today, President Obama affirmed that free and open access to the Internet is a bedrock right of the 21st century. The Internet cannot belong to the wealthy and well-connected; it must be an open space for innovation, entrepreneurship, and communication – a level playing field where success is founded on the best ideas, not the deepest pockets.

"Millions of Americans have made their voices heard in support of net neutrality standards that preserve the freedom and opportunity of the Internet. I applaud President Obama's forceful leadership on this issue as he joins the courts in outlining a clear path forward for the FCC. The FCC must act swiftly to create a level playing field where success is founded on the best ideas, not the deepest pockets. Prosperity here in the United States and around the world.

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HOCR-OI-000204

For Immediate Release: November 10, 2014
Karen Lightfoot: [REDACTED]

**Rep. Waxman Statement on President Obama's Support for Strong
Net Neutrality Rules**

WASHINGTON, D.C.-- Energy and Commerce Committee Ranking Member Henry A. Waxman issued the following statement on President Obama's support for a free and open Internet, calling upon the FCC to establish strong net neutrality rules:

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Subject: Pelosi, Eshoo, Matsui Open Internet Statements

Mr. Chairman and others,

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Please let me know if you need additional information.

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Karen Lightfoot: [REDACTED]

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HOCR-OI-000212

From: Alethea Lewis
To: Adonis Hoffman; Ait Pai; Amy Bender; Andrew Woelfling; Aurelie Porter; Bartees Cox; Brendan Carr; Chris Moore; Clint Odom; Connie Chapman; Courtney Reinhard; Daniel Alvarez; David Goldman; David Toomey; Deborah Ridley; DeeAnn Smith; Diane Cornell; Erin McGrath; Gigi Sohn; Jessica Rosenworcel; Jill Pender; Jim Balaguer; Jay Medley; Kevin Holmes; Kim Hart; Lori Alexiou; Lori Maatbjerg; Louis Peraert; Maria Kirby; Mark Wolfeld; Matthew Berry; Mike O'Rielly; Neil Grace; Nicholas DePam; Philip Verveer; Priscilla Argers; Rebekah Goodheart; Renee Gressory; Ruth Mikman; Sagar Doshi; Sara Morris; Shannon Gilson; Steven Jechura; Timothy Strachan; Yalery Gellasso
Subject: Incoming Congressional Correspondence for 11/10/14
Date: Monday, November 10, 2014 3:26:18 PM
Attachments: Sanders1179.pdf

Sen. Bernard Sanders - Innovation - Open Internet - (WCB)

(b) (6)

Alethea Lewis
Office of Legislative Affairs

From: Alethea Lewis
To: Adonis Hoffman; Ait Pai; Amy Bender; Andrew Woelfling; Aurelie Porter; Bartees Cox; Brendan Carr; Chris Moore; Clint Odom; Connie Chapman; Courtney Reinhard; Daniel Alvarez; David Goldman; David Toomey; Deborah Ridley; DeeAnn Smith; Diane Cornell; Erin McGrath; Gigi Sohn; Jessica Rosenworcel; Jill Pender; Jim Balaguer; Jay Medley; Kevin Holmes; Kim Hart; Lori Alexiou; Lori Maatbjerg; Louis Peraert; Maria Kirby; Mark Wolfeld; Matthew Berry; Mike O'Rielly; Neil Grace; Nicholas DePam; Philip Verveer; Priscilla Argers; Rebekah Goodheart; Renee Gressory; Ruth Mikman; Sagar Doshi; Sara Morris; Shannon Gilson; Steven Jechura; Timothy Strachan; Yalery Gellasso
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Sen. Bernard Sanders - Innovation - Open Internet - (WCB)

- Writes in support of Pres. Obama's statement regarding Open Internet.
- Opposes the Commission's proposal to allow for-pay fast lanes on the Internet.

Alethea Lewis
Office of Legislative Affairs

HOCR-OI-000280

From: Roger Sherman
To: Ruth Mikman; Jonathan Sallet; Stephanie Weiner
Cc: Sara Morris
Subject: FW: New Release: Rep. Waxman Statement on President Obama's Support for Strong Net Neutrality Rules
Date: Monday, November 10, 2014 1:02:34 PM

(b) (5)

From: Energy & Commerce Democratic Press Office
Sent: Monday, November 10, 2014 12:49 PM
To: Energy & Commerce Democratic Press Office
Subject: New Release: Rep. Waxman Statement on President Obama's Support for Strong Net Neutrality Rules

Committee on Energy and Commerce
Rep. Henry A. Waxman, Ranking Member

New Release: November 10, 2014
Karen Li

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I suspect the quote below is what we will hear on Wed from Mr. Waxman:

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HOCR-OI-000290

Jocelyn Frye

From: Claude Aiken
Sent: Saturday, November 15, 2014 9:07 AM
To: Elizabeth McIntyre; Melissa Droller Kinkel; Heidi Kroll
Subject: RE: This mornings w post

(b) (5)

*** Non-Public: For Internal Use Only ***

-----Original Message-----

From: Elizabeth McIntyre
Sent: Saturday, November 15, 2014 08:58 AM Eastern Standard Time
To: Claude Aiken; Melissa Droller Kinkel; Heidi Kroll
Subject: This mornings w post

Michael Mandel from progressive policy institute has an op-ed piece

(b) (5)

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

1

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Sent: Saturday, November 15, 2014 9:07 AM
To: Elizabeth McIntyre; Melissa Droller Kinkel; Heidi Kroll
Subject: RE: This mornings w post

Interesting, thanks! Many more op eds to come I'm sure!

*** Non-Public: For Internal Use Only ***

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Michael Mandel from progressive policy institute has an op-ed piece criticizing obamas title II approach as too extreme and advocating 706

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

1

HOCR-OI-000346

President Obama today called on the FCC to reclassify broadband Internet access service as a telecommunications service subject to common carrier regulation under Title II of the 1934 Communications Act, while forbearing from rate regulation. He also said the same rules should apply to wireless and wireline services and called for "an explicit ban on paid prioritization and any other restriction that has a similar effect."

In a response to the president's statement, FCC Chairman Tom Wheeler said that use of the agency's Title II authority, whether by itself or in a "hybrid" approach with Telecommunications Act section 706 (advanced telecommunications capability) authority, raises "substantive legal issues" that will take more time to resolve—a statement that suggests that an order in the proceeding won't be voted this year.

In a statement released by the White House this morning, the president acknowledged that the FCC "is an independent agency, and ultimately this decision is theirs alone." However, he added, "I believe the FCC should create a new set of rules protecting net neutrality and ensuring that neither the cable company nor the phone company will be able to act as a gatekeeper, restricting what you can do or see online."

The president emphasized the importance of an open Internet "to the American economy, and increasingly to our very way of life. By lowering the cost of launching a new idea, igniting new political movements, and bringing communities closer together, it has been one of the most significant democratizing influences the world has ever known." He recalled that he had committed to supporting a free and open Internet during his campaign for the presidency.

As the FCC considers how to address the federal appeals court decision earlier this year that struck down its no-blocking and anti-discrimination open Internet rules as the imposition of de facto common carrier regulation on services the agency has designated as information services, it should adopt "simple, common-sense steps that reflect the Internet you and I use every day, and that some ISPs already observe," President Obama said.

Specifically, he said that the FCC should adopt rules barring the blocking of any legal content; barring throttling "based on the type of service or your ISP's preferences"; increasing transparency by making "full use of the transparency authorities the court recently upheld, and if necessary to apply net neutrality rules to points of interconnection between the ISP and the rest of the Internet"; and barring paid prioritization.

"If carefully designed, these rules should not create any undue burden for ISPs, and can have clear, monitored exceptions for reasonable network management and for specialized services such as dedicated, mission-critical networks serving a hospital," the president said.

Wireless carriers have argued that "wireless is different," in terms of both network management requirements and degree of competition, and that their services should not be subject to the same open Internet rules as wireline services. President Obama largely rejected that argument.

"I believe the FCC should make these rules fully applicable to mobile broadband as well, while recognizing the special challenges that come with managing wireless networks," the president said.

As for the legal basis on which the FCC should ground its rules—Title II or section 706 of the 1996 Telecommunications Act—the president said, "To be current, these rules must also build on the lessons of the past. For almost a century, our law has recognized that companies who connect you to the world have special obligations not to exploit the monopoly they enjoy over access in and out of your home or

business. That is why a phone call from a customer of one phone company can reliably reach a customer of a different one, and why you will not be penalized solely for calling someone who is using another provider. It is common sense that the same philosophy should guide any service that is based on the transmission of information—whether a phone call, or a packet of data.

“So the time has come for the FCC to recognize that broadband service is of the same importance and must carry the same obligations as so many of the other vital services do. To do that, I believe the FCC should reclassify consumer broadband service under Title II of the Telecommunications Act—while at the same time forbearing from rate regulation and other provisions less relevant to broadband services. This is a basic acknowledgment of the services ISPs provide to American homes and businesses, and the straightforward obligations necessary to ensure the network works for everyone—not just one or two companies,” the president said.

Chairman Wheeler, who proposed a section 706 approach in a notice of proposed rulemaking adopted by the Commission earlier this year, with rules that net neutrality advocates have argued would allow paid prioritization, welcomed the president’s statement and said that it would be incorporated into the record of the open Internet proceeding. “We welcome comment on it and how it proposes to use Title II of the Communications Act,” he said.

Chairman Wheeler noted that in adopting the pending open Internet notice of proposed rulemaking, “I promised that in this process all options would be on the table in order to identify the best legal approach to keeping the Internet open. That includes both the Section 706 option and the Title II reclassification. Recently, the Commission staff began exploring ‘hybrid’ approaches, proposed by some members of Congress and leading advocates of net neutrality, which would combine the use of both Title II and Section 706.”

Chairman Wheeler added, “The more deeply we examined the issues around the various legal options, the more it has become plain that there is more work to do. The reclassification and hybrid approaches before us raise substantive legal questions. We found we would need more time to examine these to ensure that whatever approach is taken, it can withstand any legal challenges it may face. For instance, whether in the context of a hybrid or reclassification approach, Title II brings with it policy issues that run the gamut from privacy to universal service to the ability of federal agencies to protect consumers, as well as legal issues ranging from the ability of Title II to cover mobile services to the concept of applying forbearance on services under Title II.”

“We must take the time to get the job done correctly, once and for all, in order to successfully protect consumers and innovators online,” Chairman Wheeler concluded.

Industry analyst Frank Louthan IV of Raymond James & Associates called it “unprecedented” for a president to “comment so specifically in an individual policy and legal matter for telecommunications. As such, the current movement by the FCC just got more credibility.” He added that the FCC’s open Internet proceeding is likely to take longer in light of the president’s statement, which he also said “provides cover to put the most onerous restrictions on Comcast, AT&T, and Charter ahead of their mergers. We do not believe the restrictions will be so onerous as to block the deals, but they are likely to be stronger given the nod from Pennsylvania Avenue.”

Advocates of strong net neutrality rules welcomed the president’s statement, while those who have advocated a “lighter touch” approach were more critical, warning that it could deter investment, with some arguing that the president was inappropriately interfering with the operations of an independent agency. Both supporters and critics of the president’s statement generally spoke in favor of ensuring an open Internet.

HOGR-OI-000352

In a joint statement, House Energy and Commerce Committee Chairman Fred Upton (R., Mich.) and communications and technology subcommittee Chairman Greg Walden (R., Ore.) and Vice Chairman Bob Latta (R., Ohio) said, "We are extremely troubled and disappointed by the president's urging the FCC to regulate the Internet as a utility under Title II of the Communications Act. Today's announcement is just the latest in a long line of decisions that reveal this administration simply doesn't know how to grow the economy."

"The Internet was born here in the United States. It flourished because the federal government had the foresight to get out of the way and let the innovative U.S. economy foster its growth. Sadly, it appears the president is abandoning the successful hands-off policy of his Republican and Democratic predecessors in favor of centrally controlled Internet policy. This is a mistake," the Republican leaders of the House panels with oversight of the FCC and communications industry said.

"One of the few places where investment and innovation have thrived, even in a struggling economy, is the Internet. American companies continue to invest billions of dollars to expand and improve broadband Internet access and online services. Reclassification under Title II threatens our thriving Internet economy and the American jobs it creates. The Internet isn't a utility, so we shouldn't treat it as one," the lawmakers added.

Senate Communications, Science, and Transportation Committee ranking member and chairman presumptive John Thune (R., S.D.) said, "The president's call for the FCC to use Title II to create new net neutrality restrictions would turn the Internet into a government-regulated utility and stifle our nation's dynamic and robust Internet sector with rules written nearly 80 years ago for plain old telephone service. The president's stale thinking would invite legal and marketplace uncertainty and perpetuate what has needlessly become a politically corrosive policy debate."

"It is critical that the Internet remain open and that consumers are protected. As it crafts new rules, the FCC should recognize the benefits of its highly successful light-touch regulatory approach to Internet policy, and, most importantly, the FCC must follow the law, Sen. Thune said."

CTIA President and Chief Executive Officer Meredith Attwell Baker said, "CTIA and its members are committed to delivering an open mobile Internet, but applying last century's public utility regulation to the dynamic mobile broadband ecosystem puts at risk the investment and innovation which characterizes America's world-leading \$196 billion wireless industry. The facts are clear that, under the current mobile-specific regulatory framework, the U.S. wireless industry plays a vital role in the nation's economy, employing more than 3.8 million Americans, driving more than \$113.4 billion in capital investment, leading the world in LTE network deployment and providing a platform for innovation for U.S. consumers and businesses."

Ms. Baker, a former Republican FCC Commissioner, added, "Imposing antiquated common carrier regulation, or Title II, on the vibrant mobile wireless ecosystem would be a gross overreaction that would ignore the bipartisan views of members of Congress and the FCC, would impose inappropriate regulation on a dynamic industry and would threaten mobile provider's ability to invest and innovate, all to the detriment of consumers. CTIA strongly opposes such an approach."

Michael Powell, president and CEO of the National Cable & Telecommunications Association, and a former FCC Chairman, said, "We are stunned the President would abandon the longstanding, bipartisan policy of lightly regulating the Internet and calling for extreme Title II regulation. The cable industry strongly supports an open Internet, is building an open internet, and strongly believes that over-regulating the fastest growing technology in our history will not advance the cause of Internet freedom."

There is no dispute about the propriety of transparency rules and bans on discrimination and blocking. But this tectonic shift in national policy, should it be adopted, would create devastating results.

"Heavily regulating the Internet will lead to slower Internet growth, higher prices for consumers, and the threat of excessive intervention by the government in the working of the Internet. This will also have severe and profound implications internationally, as the United States loses the high ground in arguing against greater control of the Internet by foreign governments. There is no substantive justification for this overreach, and no acknowledgment that it is unlawful to prohibit paid prioritization under Title II. We will fight vigorously against efforts to impose this backwards policy," Mr. Powell continued.

"The FCC is an independent agency and it should exercise independent judgment in crafting new rules. This is truly a matter that belongs in Congress and only Congress should make a policy change of this magnitude. Congress can easily unravel the legal and jurisdictional knot that has tied up the FCC in crafting sustainable open Internet rules, without resorting to rules of the rotary-dial phone era. We urge Congress to swiftly exercise leadership of this important issue," Mr. Powell added.

Verizon Communications, Inc., said in a statement, "Verizon supports the open Internet, and we continue to believe that the light-touch regulatory approach in place for the past two decades has been central to the Internet's success. Reclassification under Title II, which for the first time would apply 1930s-era utility regulation to the Internet, would be a radical reversal of course that would in and of itself threaten great harm to an open Internet, competition and innovation. That course will likely also face strong legal challenges and would likely not stand up in court. Moreover, this approach would be gratuitous. As all major broadband providers and their trade groups have conceded, the FCC already has sufficient authority under Section 706 to adopt rules that address any practices that threaten harm to consumers or competition, including authority to prohibit 'paid prioritization.' For effective, enforceable, legally sustainable net neutrality rules, the Commission should look to Section 706."

American Cable Association President and CEO Matthew Polka said, "Smaller broadband ISPs are no threat to the Open Internet. Period. Accordingly, consumers of these providers have long benefited from the government's light touch in applying regulation to broadband Internet services. This approach, enjoying bipartisan support for more than a decade, has created a beneficial economic environment where deployment and enhancement of broadband networks by smaller broadband ISPs in smaller cities and markets have flourished.

"Common carrier regulation of telephone service crafted in 1934 under President Franklin Roosevelt should not be applied to a thriving, bustling broadband Internet market in 2014 under President Barack Obama. A Title II regulatory regime will choke off investment and will do more harm than good," Mr. Polka added.

Comptel CEO Chip Pickering said, "COMPTTEL commends the President for his leadership on the need for strong, enforceable rules to protect the free and open Internet—rules that will prohibit Internet service providers from blocking access to or throttling content from websites that American consumers want to reach, and preserving interconnection norms and practices without tolls or other barriers to entry. This is the best means to safeguard competition and consumer choice over the Internet. We look forward to working with the FCC, stakeholders, the administration and Congress to expeditiously develop and adopt legally sustainable rules."

Telecommunications Industry Association Chief Executive Officer Scott Belcher said, "We are deeply concerned over President Obama's endorsement of reclassifying the Internet as a Title II utility-like telecom service. Such a move would set the industry back decades, and threaten the private sector investment that is critically needed to ensure that the network can meet surging demand. We saw a

significant negative impact on investment the last time restrictive Title II regulation was in place, and no one will benefit from returning to that failed policy. As manufacturers and suppliers who build the Internet backbone and supply the devices and services that ride over it, our companies strongly urge regulators to refrain from reclassification that will guarantee harm to consumers, the economy, and the very technologies we're trying to protect."

TechFreedom President Berin Szoka called President Obama's statement "simply a cynical political ploy, a way of playing to activists on the radical Left who have built mailing lists and a political movement on the most absolutist conception of net neutrality. Forbearance, the process by which many claim the FCC could make Title II palatable, will only be politicized even further by Obama's inflammatory rhetoric."

"A legislative deal is possible, but both the President and Congressional Republicans would have to get beyond soundbites and start talking substance. President Obama's bizarre insistence that four million Americans supported Title II, when nearly a quarter of the comments filed with the FCC actually opposed Title II, doesn't augur well for the negotiating process. A more pragmatic president would have used this opportunity to work with Republicans and the dozens of Congressional Democrats who've opposed Title II on a legislative deal—the way that Clinton and Gingrich resolved welfare reform and the key debates of their day," Mr. Szoka added.

Doug Brake, telecom policy analyst of the Information Technology and Innovation Foundation, said, "ITIF is disappointed by President Obama's statement, not because of the general net neutrality policy he lays out, but because we strongly disagree that Title II is the correct way to achieve that policy."

"Reclassification under Title II is not easy or straightforward. The forbearance process is complex and lengthy, subject to arguments and delay from all interested parties. Furthermore, classification of ISPs as common carriers based solely on a policy goal would face steep legal challenges," Mr. Brake added.

"As the President acknowledges, the FCC is an independent agency, and how to proceed is ultimately up to Chairman Wheeler and the four other Commissioners. It pays to remember why we have this particular institutional design in the first place: to have an independent group of experts that are well versed in the subtleties and relatively immune from political pressure. Ungrounded populist outcry has driven us far from Wheeler's initial thoughtful proposal – it's time to come back to reality," Mr. Brake said.

Other parties welcomed the president's statement.

Senate Commerce, Science, and Transportation Committee Chairman John D. (Jay) Rockefeller IV (D., W.Va.) said, "I have repeatedly called on the FCC to use its full statutory authority to preserve a free and open Internet. Millions of Americans have urged the FCC to carry out its longstanding statutory obligation to protect consumers and competition. I join the President's call for the FCC to preserve net neutrality by using the full scope of its authority, including Title II, subject to appropriate forbearance. It is now critical for the FCC to act expeditiously, and I know Chairman Wheeler is already engaging all stakeholders for input on how best to move forward."

House minority leader Nancy Pelosi (D., Calif.) said, "I applaud President Obama's forceful leadership on this issue as he joins the courts in outlining a clear path forward for the FCC. The FCC must act swiftly to create clear and enforceable net neutrality standards so the Internet can continue to foster freedom and prosperity here in the United States and around the world. The FCC must ensure that everyone has transparent access to the Internet without intentional delays in service or paid prioritization schemes. For the sake of our economy and our democracy, we must have strong rules that protect consumers and innovators and will safeguard fair, fast and equal access to the Internet."

House Commerce Committee ranking member Henry A. Waxman (D., Calif.) said, "The President is showing true leadership. He has given strong, unequivocal support for robust open Internet protections. And he has made it clear that he stands with consumers and the public, not the cable and phone companies that could profit by turning the Internet into slow and fast lanes."

"I strongly support the rules the President has articulated and urged the FCC to adopt them in a letter I sent last month. The FCC is right to make sure it has the record it needs to act, but any delay for additional examination should be short. The FCC should now move expeditiously to complete the rulemaking and establish the bright-line rules against blocking, throttling, and paid prioritization that define a free and open Internet," Rep. Waxman added.

Sen. Edward J. Markey (D., Mass.), a member of the Senate Commerce Committee, said, "I commend President Obama for proudly standing up for an open Internet that will remain free of fast and slow lanes for consumers and companies." He added, "In July, I led a dozen of my Senate colleagues in urging the FCC to do what President Obama called for today: to reclassify broadband service as a telecommunications service under Title II of the Telecommunications Act. I will continue to press Chairman Wheeler to take this action as soon as possible to ensure the Internet remains the world's greatest platform where the best in ideas can survive and thrive."

Rep. Anna G. Eshoo (D., Calif.), ranking member of the House communications and technology subcommittee, said, "The President's statement today recognizes once again the guiding tenets of a free and open Internet. His endorsement of a sound legal approach to open Internet rules will continue the success of the Internet. I strongly urge the FCC to adopt the President's approach."

Rep. Doris Matsui (D., Calif.), a member of the House Commerce Committee, said, "I applaud the President for calling on the FCC to explicitly ban so-called Internet fast lanes or paid prioritization deals. We must ensure that there are no tolls, gatekeepers, or a two-tiered Internet system in this country. By prohibiting paid prioritization agreements from entering the Internet ecosystem, the FCC and the Administration would demonstrate their leadership and commitment to preserving a truly free and open Internet for all Americans."

Public Knowledge President Gene Kimmelman said, "Starting with former Secretary of State Hillary Clinton's push to open the Internet globally, the administration's strong antitrust enforcement to support competition in the digital marketplace, and now strong open internet rules for the U.S., the Obama administration has demonstrated world leadership to promote freedom of expression. We are also encouraged that FCC Chairman Wheeler has expressed a commitment to consider broad use of Title II tools to ensure that the administration's and Chairman Wheeler's goals are fully enforced through effective rules and oversight."

Free Press President and CEO Craig Aaron said, "The president who promised to take a back seat to no one on net neutrality has finally gotten in the driver's seat. And he may have saved the Internet at the moment it was in the greatest jeopardy. FCC Chairman Tom Wheeler and the other Commissioners now would make clear rules that will protect Internet users and stand up in court. As the president made very clear, the only sure way to do that is under Title II."

Mr. Aaron added, "The millions who've fought for an open Internet now will need to defend the president's bold stand against the expected onslaught from Internet service providers and their many lobbyists. But no industry or partisan spin can change the fact that Title II is a deregulatory, flexible approach that has allowed the Internet to flourish."

Michael Copps, a former FCC Commissioner who is now serving as a special adviser to Common Cause's Media and Democracy Reform Initiative, said, "The President wasn't kidding when he said he'd take a back seat to no one on net neutrality." He added, "As someone who has been pushing for Title II since 2002, when the FCC wrongly classified broadband, I am thrilled. Now the FCC must show the same kind of leadership and courage."

David Segal, executive director of Demand Progress, said, "The President has made it clear that he supports Title II reclassification as the best way to achieve net neutrality, an issue he campaigned on and has supported for years. This is a huge victory for the millions of Americans who have called for Title II reform, and a huge blow for the cable companies that seek to establish fast and slow lanes on the Internet. We are now one step closer to true net neutrality, and the onus is clearly on the FCC and Chairman Wheeler to ensure they deliver the net neutrality rules that the President and the public support."

Separately, Mr. Segal criticized Chairman Wheeler's statement regarding the need for "more time" to consider the legal ramifications of its open Internet action.

"Any attempt at further foot-dragging in issuing a rule in support of strong Net Neutrality and Title II reclassification will make it clear that Chairman Wheeler is more interested in delay tactics that favor the cable companies he once lobbied for than standing with the President and the public in support of an open Internet," Mr. Segal said.

NTCA CEO Shirley Bloomfield said that while her organization "is still considering the full breadth of the steps recommended by President Obama, his statement rightly focuses in the first instance on the essential importance of broadband in today's communications marketplace. NTCA's members have long been focused on ensuring every American has access to robust and affordable broadband, and the association has long advocated for common-sense rules of the road to ensure that the networks that underpin those services operate seamlessly in fulfilling consumer demands and expectations. NTCA looks forward to a continuing conversation regarding how to achieve these important objectives without imposing regulations where they are not needed or where they could stymie innovation or investment."

Hunter Newby, CEO of Allied Fiber told TRDaily that the effect of Title II reclassification would be on investment in broadband network facilities "depends on what impact the regulation would have on the rates end users must pay. If it is too high and the taxes and other fees that come along with it cause the price for 'broadband service' to be unreasonable, then it will have a negative impact on investment - which is likely as history has shown with government intervention/regulation." He added, "The solution to the 'net neutrality' problem is not to regulate, but to invest in more neutral, open, physical network infrastructure."

Other parties issuing statements opposing the president's Title II proposal included House Speaker John Boehner (R., Ohio), Senate minority leader Mitch McConnell (R., Ky.), Senate communications, technology, and the Internet subcommittee ranking member Roger Wicker (R., Miss.), House Judiciary Committee Chairman Bob Goodlatte (R-Va.), Senate Commerce Committee member Marco Rubio (R., Fla.), House Commerce Committee member Marsha Blackburn (R., Tenn.), House Oversight and Government Reform Committee Chairman Darrell Issa (R., Calif.), House Small Business Committee Chairman Sam Graves (R., Mo.), the U.S. Telecom Association, AT&T, Inc., Comcast Corp., Charter Communications, Inc., the U.S. Chamber of Commerce, Broadband for America, the Free State Foundation, the Center for Boundless Innovation in Technology, NetCompetition, the American Enterprise Institute, Mobile Future, Less Government, the Technology Policy Institute, the Progressive Policy Institute, the Competitive Enterprise Institute, the Internet Innovation Alliance, and the Minority Media and Telecommunications Council.

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—Lynn Stanton, [REDACTED]

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Other parties issuing statements supporting the president's Title II proposal included Sen. Richard Blumenthal (D., Conn.), Sen. Al Franken (D., Minn.), Rep. Mike Doyle (D., Pa.), the Computer & Communications Industry Association, New America's Open Technology Institute, and Consumers Union.

—Lynn Stanton, [REDACTED]

JUSTICES MULL WHETHER TOWER DENIALS SHOULD INCLUDE REASONS

U.S. Supreme Court justices today mulled whether states and localities should have to provide reasons for why they deny applications to construct wireless facilities in the written documents announcing the denials or whether the reasons can appear in other parts of the record, such as in meeting minutes. They also questioned whether formal letters were even needed.

Some of the justices seemed supportive during oral arguments today of the wireless industry's argument that state and local authorities must clearly articulate the reasons for a denial in writing, but some justices expressed concern about the burden put on small localities in particular and the preservation of state and local rights.

At issue is a reading of section 332(c)(7)(B)(iii) of the 1934 Communications Act, as added by the 1996 Telecommunications Act, which says that any state or local decision to deny a wireless facility siting request "shall be in writing and supported by substantial evidence contained in a written record."

In the case, "T-Mobile South LLC v. City of Roswell, Georgia" (no. 13-975), the high court is considering whether to overturn a ruling by the U.S. Court of Appeals for the 11th Circuit (Atlanta), which said that local authorities can deny wireless siting applications without providing the underlying reasoning in the denial documents as long as those reasons are available elsewhere in the record. The appellate court overturned a district court ruling that granted summary judgment for T-Mobile and ordered the city of Roswell to allow T-Mobile to install a 108-foot cell tower, which would be disguised as a pine tree, on a 2.8-acre vacant parcel of property.

In 2010, the city council voted to deny T-Mobile's application, citing a number of objections to it during a more than two-hour hearing. Two days after the meeting, the city mailed T-Mobile a letter that simply said the application was denied without giving a reason. The letter said the minutes from the meeting could be obtained from the clerk. Twenty-six days later the meeting minutes were approved and published.

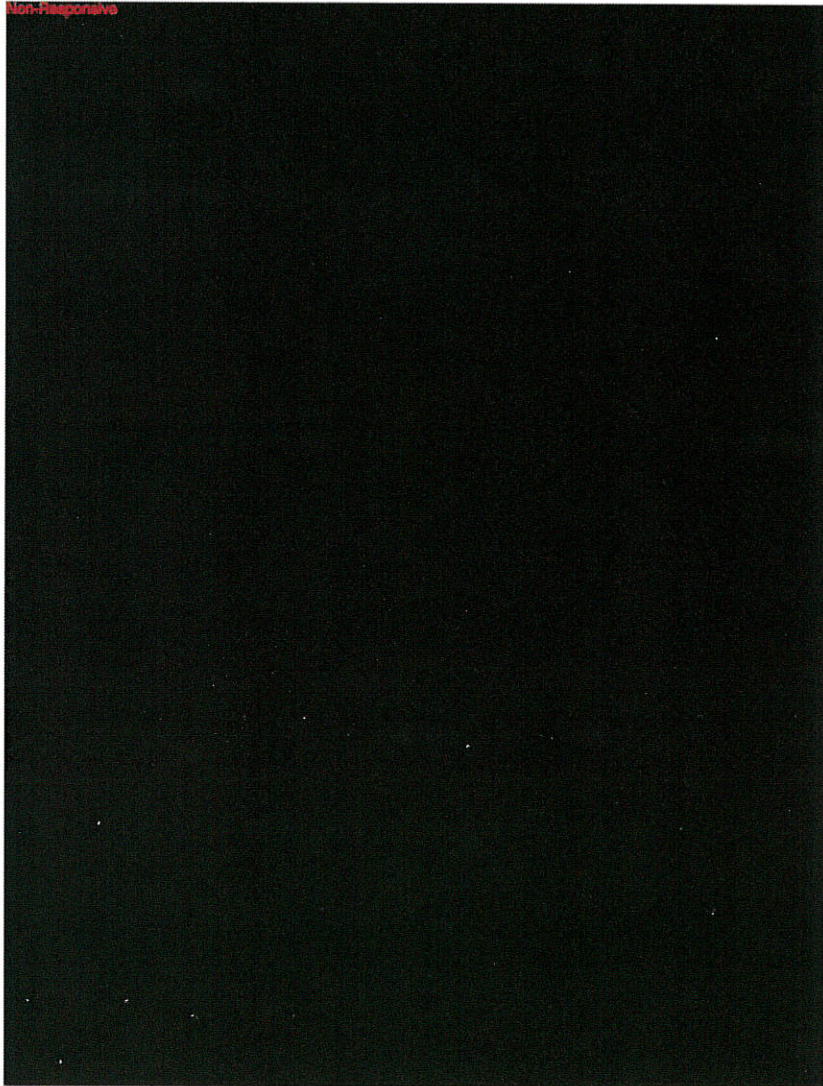
The industry argued that appellate circuits are split on the issue of whether siting application denials have to include the reasons for the denials in the documents, with the First, Sixth, Seventh, and Ninth circuits saying they do and the Eleventh and Fourth saying they don't.

Filing amicus briefs in the case in support of T-Mobile were CTIA, PCIA, the Competitive Carriers Association, TowerCom V LLC, the U.S. Chamber of Commerce, and the National Federation of Independent Business (TRDaily, July 10). Six municipal groups filed an amicus brief in support of Roswell, including the National League of Cities, the National Association of Counties, and the U.S. Conference of Mayors.

The U.S. Solicitor General's Office filed an amicus brief in support of neither party that argued that section 332(c)(7)(B)(iii) requires states and localities to provide reasons for why they deny wireless

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applications but said those reasons don't have to appear in the written decisions (TRDaily, July 11).

During today's oral arguments, Jeffrey Fisher, an attorney for T-Mobile, argued that clearly providing the reasons for the denial of an application is necessary so a party can decide whether to appeal in court within a 30-day statutory period and that court can adequately review the denial in an expedited fashion.

Instead, in the Roswell case, T-Mobile and the court were left with the minutes of the meeting, as well as a transcript paid for by T-Mobile, which reflected reasons city council members gave for having concerns with the application before voting on a resolution that failed to spell out the reasons for the denial, Mr. Fisher said. He told the justices that if the city had released another document that "was contemporaneously available" and spelled out the reasons for the denial, "we think that would be enough" to satisfy the Act.

Mr. Fisher stressed that the purpose of the provisions in the 1996 Act was to "defeat local intransigence" by governments that might want to bog down the siting of wireless facilities.

Justice Anthony M. Kennedy asked if this would be "a much different case" if the transcript of the meeting had been provided with the denial notice. Mr. Fisher said even the transcript did make it clear why exactly the council had denied the application.

He gave a similar answer to Chief Justice John G. Roberts Jr. about why a copy of the minutes was not enough.

Justice Kennedy also said that requiring a local government body to act like an administrative agency raised federalism issues.

Richard Carothers, an attorney for the city, said the city satisfied the Act by denying the application and referring to the minutes of the meeting for reasons city council members opposed it.

Several justices seemed irritated that T-Mobile was left with only a few days to appeal the city's decision once the meeting minutes were released.

Mr. Carothers said that was unfortunate and that his client would favor starting the 30-day clock to appeal once the minutes in a case are approved. He said the minutes should represent the final act of a denial with an earlier denial letter simply representing a notification of the denial. He said city staff should not be asked to interpret the minutes, saying that "will only start a new inquiry."

Mr. Carothers' answers and positions often seemed to frustrate the justices. For example, Justice Kennedy suggested Mr. Carothers was changing his position in arguing that approved meeting minutes should represent the final decision of a locality. "So now you're changing your position," the justice said. Mr. Carothers said he was not changing his position.

Justice Samuel A. Alito Jr. and other justices said they were concerned about placing a burden on small localities that may not have elected representatives, staff, and lawyers with the sophistication to comply with onerous requirements.

Justice Sonia Sotomayor seemed worried by "forcing minutes on every ... city council to have contained the statement of reasons?"

Mr. Carothers replied that he doesn't "know of a jurisdiction that does not have some form of minutes

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or ratification of the previous actions and discussions they've taken, which are generally approved at the next meeting."

But Mr. Fisher said that cities are not required to issue minutes of meetings. Providing the reason for denials in letters to applicants "just requires a few sentences usually," he said.

He also said that Roswell's own code requires that it provide a separate document with denial reasons for cell tower denials on city property. "All we're asking the city to do is do what it already does with respect to applications for city-owned property," he said. He also said that states such as New Hampshire, Nevada, and Idaho require the requirement T-Mobile seeks, adding that "rural jurisdictions in those states don't seem to have difficulty doing it."

Ann O'Connell, assistant to Solicitor General Donald Verrilli Jr., said that local governments must provide the reasons they deny siting applications, such as in meeting minutes, but said that Congress did not require them to do so in the denial documents. But she said the reasons for denial must be provided at the same time as the denial, which she said was not done in the Roswell ruling.

But Justice Ruth Bader Ginsburg said that Ms. O'Connell's suggestion that the reasoning be provided at the same time was "inserting something into the statute that is not there." Ms. O'Connell replied that failing to provide the reasons at the same time would frustrate the 30-day period for parties to decide whether to seek judicial review.

Justice Ginsburg suggested the 30-day clock should start once the meeting minutes are available, but Ms. O'Connell suggested it would be difficult to interpret the law that way. "It would be difficult to say once you have a letter in hand that says, dear applicant, your application has been denied, that you don't have a written decision," she said. "The applicant would be left to wonder whether reasons are coming at all, and if so, what those reasons are going to be."

There was also considerable discussion about whether a majority of a city council or other body has to give the same reason for denying the application or could have different reasons.

In this case, Ms. O'Connell said, three city council members indicated opposition to the tower for the same reason – incompatibility to the residential neighborhood – but she said in other cases courts have considered the varying rationales of each council member.

"Has this court ever held that? Because I would never hold that," said Justice Antonin Scalia said. "It's absurd." Ms. O'Connell said the Supreme Court has never held that.

Even some justices who seemed supportive of requiring states and localities to spell out the reasons they are denying applications in denial letters expressed conflicting views at times.

At one point, Justice Elena Kagan asked Ms. O'Connell "what sense does it make to require judges to scour the minutes and to scour the transcript and to try to make these judgment calls about, you know, when an individual council member has given a reason? Why not at that point, once we're in the mode of requiring things, why not just require that the reasons be stated in the two or three sentences that the council or other body promulgates?"

Ms. O'Connell replied that Congress did not require that, and she cited the Savings Clause.

Earlier, Ms. Kagan said at one point, "All of these kinds of examples, don't they only suggest that a state or a locality would be well advised to write up a little paragraph that clearly states its reasons? But, you

know, if they want to take the risk that a district court is going to say, gosh, I just can't find the reasons in this record, it's all too muddled. If they want to take that risk, what in the statute prevents it?"

Justice Scalia repeatedly suggested that it was reasonable to require a city council to provide the reasons for denying a siting application. "What is the big deal about this?" he asked Ms. O'Connell.

But the justice also suggested that the Act does not require a denial letter. "There's no requirement of a notification letter, whatever," he said. "There's just that provision that any decision shall be in writing and supported by substantial evidence. So why are you imposing this obligation of a denial letter on these poor, ignorant council members?"

Justice Stephen G. Breyer said requiring jurisdictions to clearly state why they were denying applications makes sense, saying that "if we don't have simplicity, we'll have 2 million different ways of going about this between different cities and counties." - Paul Kirby, [REDACTED]

FCC RELEASES ORDER, FURTHER
NOTICE ON CELLULAR LICENSING

The FCC late this afternoon released a report and order and further notice of proposed rulemaking aimed at modernizing its cellular licensing rules. The agency said the order adopts "fundamental, sweeping reforms" that will lead "to a vastly streamlined" regime for cellular licensing.

"While the existing Cellular Service licensing model was instrumental over the course of decades in fostering wireless deployment throughout the United States, many of the Cellular model's legacy elements have become unnecessary or even detrimental to system improvements that depend on deployment of the latest digital technologies," the FCC said in the item, which was adopted in WT docket 12-40. "With the Report and Order, we adopt rules for the Cellular Service based on geographic licensing and achieve the regulatory reform goals articulated in the 2012 Notice of Proposed Rulemaking and Order, recently echoed in the FCC Staff Working Group Report on FCC Process Reform, with an approach that differs somewhat from the Commission's overlay licensing proposal."

The FCC added, "We eliminate the need for a wide range of regulatory filings, modernize the rules that will remain in place, and delete obsolete provisions. We reduce administrative burdens and time-consuming regulatory processes for licensees, who will benefit immediately from greater flexibility to modify their systems quickly in response to market demands, facilitating advanced broadband services to the benefit of consumers. The updated rules will also be more consistent with those governing other geographically-licensed commercial wireless services.

"Specifically, we revise the rules to establish geographic licenses based on Cellular Geographic Service Area ('CGSA') boundaries and provide licensees with significant new flexibility to improve their systems through modifications within those boundaries," the FCC added. "We permit incumbents to expand their CGSAs into areas that remain unlicensed ('Unserved Area'), and dramatically reduce their application filing burdens by permitting incumbents to serve indefinitely, on a secondary basis, Unserved Area parcels smaller than 50 contiguous square miles. With the exception of the Gulf of Mexico market, we eliminate the need to submit filings related to negotiated extensions of service area boundaries ('SABs'), and we establish a field strength limit rule tailored to reflect the continued ability to expand Cellular service area coverage."

The Commission added that "as part of our modernization of the provisions that remain in place, we

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eliminate the routine submission of 16 exhibits and other technical information currently required with new-system and major modification applications in the Cellular Service."

In the further notice, the Commission said it proposes "additional reforms of the Cellular licensing model that were not considered in the 2012 NPRM. First, consistent with other flexible wireless service rules, we propose and seek comment on a revised discontinuance rule that defines permanent discontinuance in terms of the licensed geographic area rather than individual cell sites. Second, drawing from the success in other services, we propose to establish frequency coordinators that would review Cellular applications for CGSA expansions and new systems prior to submission to the Commission. Also in the Further Notice, in response to a petition for rulemaking submitted by AT&T, we propose and seek comment on adoption of a power spectral density model for the Cellular Service, as well as related rule changes, facilitating deployment of next-generation wireless broadband networks that use advanced technologies such as long-term evolution ('LTE')."

Comments on the further notice are due 30 days after "Federal Register" publication and replies are due 30 days after that.

In the 2012 NPRM, the FCC proposed build-out in all remaining unlicensed area[s] and in any area vacated by existing incumbents through competitive bidding, in two stages."

In response to the NPRM, a number of wireless entities said they opposed the proposed overlay license regime, arguing that it would violate the rights of licensees, while they expressed support for transitioning from site-based to geographically based licensing and deleting outdated data collection requirements (TRDaily, May 16, 2012).

Last year, CTIA, NTCA, and the Rural Wireless Association submitted an alternative proposal for cellular licensing that they said would make licensing simpler "while preserving licensee rights" (TRDaily, Nov. 18, 2013).

The order released today would move to geographic licensing in a manner that is generally consistent with the proposal of the three industry groups, although with some modifications.- Paul Kirby,

FCC UPHOLDS BUREAU ON ACCESS TO RETRANS
AGREEMENTS; PAI, O'RIELLY DISSENT

The FCC today denied a request by broadcasters and cable programmers to overturn a Media Bureau decision regarding access under a modified joint protective order to broadcast retransmission and other video programming distribution agreements filed in the agency's review of the proposed Comcast Corp./Time Warner Cable, Inc., and AT&T, Inc./DirecTV merger transactions.

In an order adopted today in MB dockets 14-57 and 14-90 over the dissents of Commissioners Ajit Pai and Mike O'Rielly, the Commission denied the applications for review filed by CBS Corp., Discover Communications LLC, Scripps Networks Interactive, Inc., the Walt Disney Co., Time Warner, Inc., TV One LLC, Twenty First Century Fox, Inc., Univision Communications Inc., and Viacom, Inc. (TRDaily, Nov. 7, 2014).

The FCC also affirmed the bureau's adoption of the amended modified joint protective order governing

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access to the distribution agreements, with one modification. It directed that parties have access to the documents "only at the offices of the Submitting Party's Outside Counsel or at other secure locations that may be established by the Submitting Party."

To give parties time to seek judicial review, the FCC said that no access would be granted to the documents for seven calendar days.

Commissioner Pai said he did not see the order until 1:39 p.m. today, and that absent the Commission's adoption of the order, the Media Bureau "threatened to disclose the disputed documents to outside parties on Wednesday morning, November 12," after tomorrow's federal holiday.

Commissioner Pai also said he does not believe it is necessary for outside parties to have access to the agreements, "let alone documents related to the negotiation of those agreements."

He also criticized the secrecy of the overall merger review proceedings, saying that he has not been able to obtain information about secret meetings reported in the media. "The end result is that whoever is writing the drafts of the decisions in these proceedings is reviewing information that is being denied to the Commissioners who will be voting on these transactions."

Commissioner O'Rielly also said he does not believe it is necessary for outside parties to have access to the agreements as part of the merger reviews. —Lynn Stanton, [REDACTED]

U.S. DELEGATION ACHIEVED
OBJECTIVES AT ITU PLENIPOT

The U.S. delegation to the international telecommunication Union Plenipotentiary Conference, which wrapped up last week in Busan, South Korea, achieved its "four primary objectives," including keeping Internet governance and cybersecurity issues off the ITU's agenda, the State Department said today.

In a media note on outcomes from the three-week conference (TRDaily, Nov. 7), State said the U.S. built a "broad consensus that led to success on Internet and cybersecurity issues keeping the ITU's work focused on its current mandate."

The delegation also worked with other members to "mitigate and remove proposed language from resolutions that would have improperly expanded the scope of ITU work and curtail[ed] the robust, innovative, multi-stakeholder Internet we enjoy today, while providing clear guidance to the ITU on the efforts it can and should work on," State said.

Working with partners, the U.S. also successfully eliminated proposed language that "could have provided a mandate for the ITU in surveillance or privacy issues; inhibited the free flow of data; regulated Internet content and service companies; undermined the multi-stakeholder process; or called on the ITU to develop international regulations on these issues," state said.

Finally, State pointed to the compromise on the Council Working Group on International Internet-related Public Policy (CWG-Internet), which provides for "physical consultation meetings, open to all stakeholders, to be held prior to each of the CWG-Internet meetings." The meetings will "allow all Internet stakeholders to directly contribute to the work of the CWG-Internet," State said.

State also reported that the U.S. delegation "secured agreement that another World Conference on

International Telecommunications (WCIT), the conference that revises the International Telecommunication Regulations (ITR's) should not be scheduled until an expert group reviews the existing treaty regulations from 2012 and assesses whether any update is necessary. This expert group will submit recommendations that will be forwarded to the next Plenipotentiary Conference in 2018 for it to decide on whether to schedule another WCIT treaty conference."

The U.S. delegation was led by Daniel Sepulveda, the U.S. coordinator for international communications and information policy at State, who was selected as vice chairman of the Plenipotentiary Conference for the America's region, State noted. In addition, the U.S. delegation was elected to another four-year term on the ITU Council "with more votes than we received four years ago," it said, adding that Joanne Wilson was elected to the Radio Regulations Board (TRDaily, Oct. 24). —Brian Hammond,

TRANS-ATLANTIC BUSINESS GROUP: OPEN INTERNET RULES
SHOULD ALLOW INNOVATION IN BUSINESS RELATIONSHIPS

The Trans-Atlantic Business Council today called for government policies that will protect users' ability to access all legal online content, while encouraging network investment, allowing for network management to address congestion, and encouraging innovation "anywhere in the broadband Internet value chain," including innovation in business relationships.

The TABC, which advocates for its European Union and U.S. members regarding the Transatlantic Trade and Investment Partnership (T-TIP) treaty, said that it "aims to contribute to the active debate on the [open Internet] subject in both Europe and the United States. While EU legislators consider the proposal for the Connected Continent Regulation, the U.S. Federal Communications Commission has released [in May] a new Notice of Proposed Rulemaking on protecting and promoting the Open Internet."

In a position paper released today, the TABC said that "some of the language" in the "latest iteration of the Connected Continent Regulation adopted in the European Parliament ... is too prescriptive."

The position paper calls for "[e]nsuring that robust and competitive best effort Internet Access service offerings are in place allowing consumers to choose the options that best match their needs."

It adds, "While service differentiation offered by network operators is foreseen, these services should not unlawfully discriminate against or exclude users, or groups of users, from using such services under the applicable terms. Such services shall be permitted until they are demonstrated to be discriminatory with anticompetitive purposes in a relevant proceeding."

It says that traffic and network management should be allowed to address "network congestion, service/site blocking where required by law or court order, deployment of child protection controls and/or safeguarding network security."

Regarding innovation in business practices, the position paper says, "Commercially reasonable practices and relationships between different actors that benefit consumers should be permitted since they increase choice for consumers and support competition across different services in the Internet, as long as entering in exclusive prioritisation deals with certain content providers that prevent other providers from receiving the same service will be prevented. Regulatory approaches that would a priori disallow innovative commercial options should be avoided. Examples of innovations using economic arrangements that are starting to happen include sponsored traffic / cap-exempt traffic, special offers

that include some quota of traffic to specific applications or services, allowing an end user to choose differentiation of traffic, etc. Allowing innovation to flourish both at the edge and at the core of IP networks will foster investment in broadband." —Lynn Stanton, [REDACTED]

***** ICANN's CHEHADE WARNS OF INTERNET 'POLICY FRAGMENTATION'

"Policy fragmentation" with respect to governments' treatment of the Internet is starting to occur, as well as "more fragmented business Internets" as companies seek greater security on private connections and "fragmentation at the ISP level," all threatening the cohesiveness of a single global Internet, according to Fadi Chehade, president and chief executive officer of the Internet Corporation for Assigned Names and Numbers.

Speaking at the Techonomy Conference in Half Moon Bay, Calif., this morning, Mr. Chehade said that fragmentation could hamper "our ability to offer services around the world."

He attributed the fragmentation in part to Edward Snowden's revelations about National Security Agency surveillance, which has drawn the attention of "the political classes" to the Internet. He added that "the Internet is challenging the nation-state Westphalia model," a reference to the concept of territorial sovereignty embraced in treaties ending the 17th-century Thirty Years' War. Governments are engaging in "encroachments and takedowns ... because they are being challenged" by online activities and communications, he said.

Another factor in government policy fragmentation over the Internet is the current influence of the U.S. government on the ICANN domain name root. Other governments have told him that if ICANN can't guarantee that its root isn't influenced by a single government, "they'll create their own," he said.

If that happens, there's no guarantee that users around the world will reach the same destination when they type the same URL, he added. "What guarantees you get to the same destination is the single root," he said. —Lynn Stanton, [REDACTED]

***** U.S., CHINA CONCLUDE PACT FOR LONGER VISAS

President Obama today announced an agreement with China for student and exchange visas between the two countries to last for five years, and for business and tourist visas to be extended to 10 years, up from the current one-year visas in all cases.

The White House noted that 28% of all foreign students and exchange visitors in the U.S. originate from China.

Speaking at the Asia-Pacific Economic Cooperation CEO Summit in Beijing, President Obama also spoke about cybersecurity, the open Internet, and increasing business opportunities for U.S. firms in China.

"We look to China to create a more level playing field on which foreign companies are treated fairly so that they can compete fairly with Chinese companies; a playing field where competition policy promotes the welfare of consumers and doesn't benefit just one set of companies over another. We look to China to become an innovative economy that values the protection of intellectual property rights, and rejects cybertheft of trade secrets for commercial gain," he said.

Non-Responsive

"Steady, sustainable growth requires promoting policies and practices that keep the Internet open and accessible," he said, adding, "We know that if given a choice, our young people would demand more access to the world's information, not less." —Lynn Stanton [REDACTED]

FirstNet MEETS WITH UTAH OFFICIALS

The First Responder Network Authority (FirstNet) held its sixth initial consultation meeting last week, this time with Utah, and Dave Buchanan, FirstNet's director-state consultation, said in a blog posting today that it went well. "Throughout the day, the FirstNet team fielded a number of questions related to network implementation and potential public safety users of the network," Mr. Buchanan said of the Nov. 6 meeting. "This included several questions about key terms addressed in the recent public notice, such as the definition of a public safety entity. We talked in detail with participants about potential users of the network, including non-traditional public safety entities. FirstNet representatives also explained how the comments received in response to the public notice would help FirstNet answer these and other key questions."

MBAN FREQUENCY COORDINATOR WINDOW OPEN

The FCC's Wireless Telecommunications Bureau today established a filing window for requests to be designated as the frequency coordinator for medical body area network (MBAN) operations, which are authorized to use the 2360-2390 megahertz band. Requests will be accepted between Nov. 17 and Jan. 2, 2015, in ET docket 08-59.

FCC DISMISSES FOREIGN OWNERSHIP PETITION

The FCC's International Bureau today dismissed as moot a petition for reconsideration filed in 2004 by Wilkinson Barker Knauer LLP asking the agency to revision a provision in foreign ownership guidelines (TRDaily, Nov. 17, 2014). In an order released today in IB docket 05-55, the bureau said, "We dismiss the Petition because we find that Petitioner's request to revise the Foreign Ownership Guidelines' analysis of section 310(b)(3) is now moot. Since the filing of the Petition, the Commission has adopted a forbearance approach to section 310(b)(3)."

LEGISLATION

GRASSLEY CITES IMMIGRATION, CRIMINAL LAW IN FACE
OF TECH CHANGE AS ISSUES FOR JUDICIARY COMMITTEE

Sen. Chuck Grassley (R., Iowa), who is expected to become chairman of the Senate Judiciary Committee in January, today cited legislation that "focuses on securing the border and improves legal immigration opportunities" and that "adapts our criminal laws to rapidly advancing technology" as among the legislative goals of the committee in the coming session.

Non-Responsive

Making it easier to hire highly skilled foreign workers in STEM (science, technology, engineering, and mathematics) fields has been a legislative goal of the tech community for some time, while groups that advocate for tech privacy, as well as some industry members, have been calling for overhaul of the Electronic Communications Privacy Act. Both issues are under the Judiciary Committee's jurisdiction.

Sen. Grassley also said he would "be conferring with members of the Judiciary Committee to put together an agenda that promotes an environment where innovators can create jobs, policy reflects the rule of law, and our civil liberties are strengthened without undermining the efforts of law enforcement or our intelligence community."

He said that he would ensure that the committee's work includes the "too often overlooked" oversight function, as well as legislative activities. He also pledged to have "regular debate on legislation and amendments from both Republicans and Democrats."

Sen. Grassley is the former chairman and ranking member of the Senate Finance Committee, "and could, in the future, exert his seniority to claim the final two years of his eligibility as chairman," the press release accompanying his statement noted. It also noted that he would be the first non-lawyer ever to chair the Senate Judiciary Committee. —Lynn Stanton [REDACTED]

RETAILER COALITION CALLS FOR PASSAGE
OF MARKETPLACE FAIRNESS ACT THIS YEAR

With Congress returning from its election recess later this week for lame-duck action before new members are seated in January, the Marketplace Fairness Coalition is calling on lawmakers to pass the Marketplace Fairness Act, which would enable states to require remote sellers, such as websites and catalog merchants, to collect and remit sales taxes from the states' residents.

A permanent or long-term extension of the Internet Tax Freedom Act's moratorium on new state and local Internet access taxes and multiple and discriminatory taxes on e-commerce has been held up in the Senate by a dispute over whether to combine the two bills.

The Marketplace Fairness Coalition said in an open memo today to "interested parties" that "it is time for the full Congress to finally act on this outstanding issue this year." It pointed to "[c]lose to 40 Congressional hearings [on the issue] dating back to 1994, including 3 hearings by the House Judiciary Committee in the past 3 years alone," as well as the May 2013 Senate passage of the Marketplace Fairness Act "with the support of Republicans and Democrats alike."

The coalition added, "In the last few weeks alone, members of our Coalition have held close to 100 meetings with lawmakers and staff in their home districts to discuss why this long overdue issue needs to be addressed this year. Our Coalition will also be launching targeted radio, print and digital ads in key areas across the country highlighting the urgent need for action. ... In short, we intend to hold accountable Members of Congress who side with the Washington interest groups funded by eBay versus these small business owners and workers who live in their districts." —Lynn Stanton, [REDACTED]

'STAGE SET' TO WRAP UP TPP TALKS, LEADERS SAY

Non-Responsive

The leaders of Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States, and Vietnam today said that the "significant progress" on the Trans-Pacific Partnership trade agreement that has been achieved in recent months "sets the stage" to bring the TPP negotiations "to a close." They added, "We remain committed to a TPP structure that can include other regional partners that are prepared to adopt its high standards."

TELECOM BUSINESS

MITEL INCREASES OFFER TO ACQUIRE ShoreTel SHARES,
CREATE TOP CLOUD-BASED TELEPHONY PROVIDER

Mitel Networks Corp. has announced that it has increased its proposal to acquire all of the outstanding shares of ShoreTel, Inc., common stock to \$8.50 per share in cash and stock in an effort to create the market leader in cloud-based telephony services.

Mitel said the offer represents a 31% premium to ShoreTel's "unaffected stock price on October 17, 2014," and a 38% premium to ShoreTel's enterprise value.

In a letter to ShoreTel's board, Mitel President and Chief Executive Officer Richard McBee said, "We continue to believe that the combination of our two companies offers a compelling opportunity to add sustained value to both organizations, and to solidify our combined leadership position in a highly competitive and rapidly consolidating market. In addition to the obvious benefit of an immediate and significant premium for ShoreTel shareholders, a combination of our two companies would create far superior value than could reasonably be obtained by ShoreTel as a standalone entity."

Mr. McBee wrote that ShoreTel ranks fifth in the cloud-based telephony market, with the "competition continuing to extend their lead.

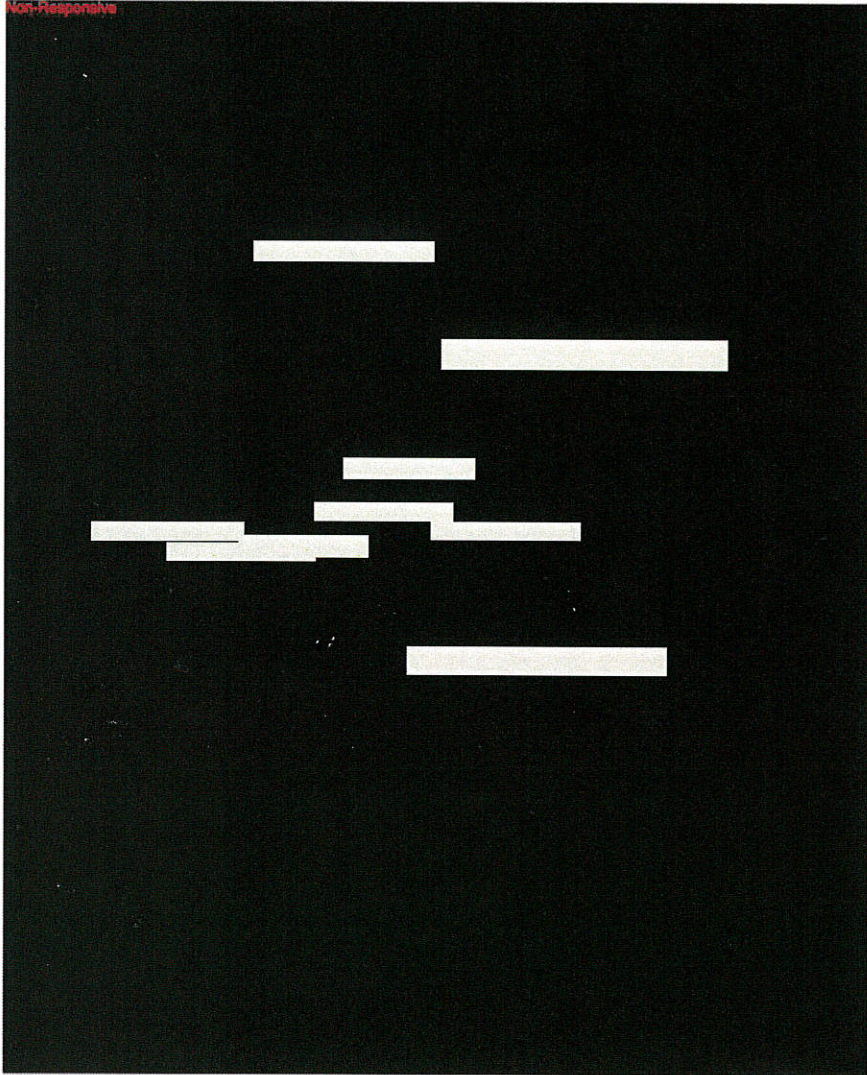
"Combining with Mitel, the #4 player, would create the clear #1 global market share leader based on the total number of installed cloud seats, with over \$45 million of recurring cloud revenue per quarter," he wrote.

In a statement, ShoreTel confirmed that it had received the offer and said that, consistent with its fiduciary duties, it would "carefully review and evaluate the revised proposal to determine the course of action that it believes is in the best interest of the Company's stockholders. ShoreTel advises stockholders not to take any action at this time pending the review of the proposal by the Company's Board of Directors."

ShoreTel noted that its board on Oct. 27 unanimously rejected Mitel's previous unsolicited proposal, which it said "significantly undervalued ShoreTel and its strong prospects for continued growth and value creation, and was not in the best interests of ShoreTel stockholders." —Brian Hammond,

CoBank TO HELP SPONSOR RURAL COMMUNITIES CONTEST

Frontier Communications Corp. and Dish Network today welcomed Colorado-based CoBank, a cooperative bank providing loans and other services to communications and other businesses in rural



areas, as a new sponsor of their America's Best Communities contest, which will provide \$10 million in prizes to support growth and investment in innovative ideas for small cities and rural towns across Frontier's 27-state footprint. "Rural community development is the central focus of CoBank's corporate social responsibility program, and closely aligned with our broader mission to serve rural America," said Robert Engel, CoBank's chief executive officer."

CAPITAL MARKETS

S&P REVISES AT&T OUTLOOK, CITES SLOWING GROWTH IN U.S., FOCUS ON MARKETS

Standard & Poor's Ratings Services has revised its ratings outlook on AT&T, Inc., from stable to negative, while affirming its "A-" corporate credit rating and "A-2" short-term rating, after the announcement of its agreement to purchase Mexican wireless operator Iusacell.

"The outlook revision to negative primarily reflects our expectation for slowing growth in the mature U.S. wireless market, coupled with our view that AT&T will continue to pursue growth initiatives outside the U.S.," said Standard & Poor's credit analyst Allyn Arden.

S&P noted that AT&T previously lowered its 2014 guidance in part because fewer people were signing up for equipment installment plans than previously expected. S&P said the issue was "particularly important since handset revenue from EIP customers is booked at the point of sale and contributes to higher near-term revenue than under the subsidy model."

"We believe this highlights the competitive challenges that AT&T faces and that its prior guidance of 5% was partially inflated by the near-term impact of customers migrating to EIP rather than industry and company-specific fundamentals," S&P said. "Moreover, we believe that the U.S. wireless industry will face increased price-based competition because of maturing market conditions and the presence of four nationwide carriers."

As for the \$2.5 billion Iusacell transaction, S&P said it did not expect the transaction to have a "material impact on AT&T's credit metrics given that the purchase price is essentially offset by the expected reduction in capital expenditures in 2015." But the transaction "reflects AT&T's pursuit of growth initiatives outside the U.S., which could lead to additional investments and acquisitions that weaken credit metrics over the intermediate term," it said.

S&P said its outlook for AT&T is negative, as it expected growth in wireless to slow, along with "still-weak operating performance and margins in the wireline segments, leading to leverage in the high-2x area over the intermediate term. As a result, AT&T does not have a great degree of headroom within the current rating, and any intensifying competitive pressure or additional debt-financed acquisitions could pressure the ratings." —Brian Hammond.

PERSONNEL

BOMGAR CFO

Bomgar, a provider of enterprise remote support services for mobile devices and computing systems,

Non-Responsive

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Associate Editor: Paul Kirby
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Associate Editor: Carrie DeLeon

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has named Bruce Duner chief financial officer. Mr. Duner was senior vice president and CFO at Surgical Information Systems.

AAI PRESIDENT, CEO

The American Antitrust Institute has announced that Diana Moss will become president and chief executive officer in January 2015. Ms. Moss has been vice president at AAI since 2002. Ms. Moss will succeed AAI's founder, Albert Focr, who plans to move to a "half-time role with a focus on international competition advocacy and competition culture."

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FCC'S WHEELER: 'MORE WORK TO DO' ON NET NEUTRALITY RULES: (b) (4)

(b) (4)

— Brooks Boliek

FCC'S WHEELER: 'MORE WORK TO DO' ON NET NEUTRALITY RULES: Following President Barack Obama's calls this morning to reclassify broadband as a utility, FCC Chairman Tom Wheeler said his agency still has more work to do before it can write new network neutrality rules.

"The more deeply we examined the issues around the various legal options, the more it has become plain that there is more work to do," he said in a statement. "The reclassification and hybrid approaches before us raise substantive legal questions. We found we would need more time to examine these to ensure that whatever approach is taken, it can withstand any legal challenges it may face."

Wheeler added that he was "grateful for the input of the President and look[s] forward to continuing to receive input from all stakeholders, including the public, members of Congress of both parties, including the leadership of the Senate and House committees, and my fellow commissioners."

"Ten years have passed since the Commission started down the road towards enforceable Open Internet rules," he said. "We must take the time to get the job done correctly, once and for all, in order to successfully protect consumers and innovators online."

The chairman said the bottom line is to prevent Internet service providers from charging more for "fast-lane" service.

"Like the President, I believe that the Internet must remain an open platform for free expression, innovation, and economic growth," he said. "We both oppose Internet fast lanes. The Internet must not advantage some to the detriment of others. We cannot allow broadband networks to cut special deals to prioritize Internet traffic and harm consumers, competition and innovation."

— Brooks Boliek

Mike O'Reilly

From: Amy Bender
Sent: Friday, November 14, 2014 2:28 PM
To: Mike O'Reilly; Erin McGrath
Subject: FW: O'Reilly: Title II net neutrality will increase consumer Internet bills

From: QUINN JR., ROBERT W [REDACTED]
Sent: Friday, November 14, 2014 2:26 PM
To: Amy Bender
Subject: Fwd: O'Reilly: Title II net neutrality will increase consumer Internet bills

And does not include state and local taxes that automa

Sent from my Black Rotary Dial Title 2 Regulated Telephone

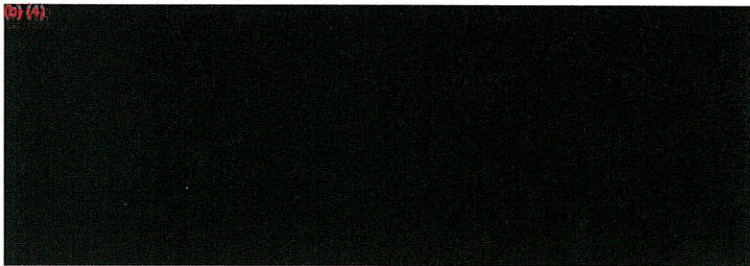
Begin forwarded message:

From: "JONES, CLAUDIA B" [REDACTED]
Date: November 14, 2014 at 11:18:02 AM PST
To: "CICCONI, JAMES W" [REDACTED] "QUINN JR., ROBERT W"
[REDACTED] "HUI TOUJST, HANK" [REDACTED] "PHILLIPS, GARY L
(Legal)" [REDACTED]
Subject: FW: O'Reilly: Title II net neutrality will increase consumer Internet bills

From: POLITICO Pro Technology Whiteboard [REDACTED]
Sent: Friday, November 14, 2014 2:15 PM
To: JONES, CLAUDIA B
Subject: O'Reilly: Title II net neutrality will increase consumer Internet bills

11/14/14 2:14 PM EST

(b) (4)



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11/14/14 2:14 PM EST

GOP FCC Commissioner Michael O'Reilly today introduced another argument against utility-style regulation of net neutrality, saying it would end up increasing consumer Internet bills.

"Under Title II all Internet services by an Internet-service provider (i.e., telecommunications services) would be required to contribute to the Universal Service Fund." O'Reilly told the Free State Foundation, according to a copy [REDACTED] mers of these services would face an immediate increase in their Internet bills."

President Barack Obama on Monday called on the FCC to classify broadband service as a public utility under Title II of the Communications Act — a form of stronger regulation that Republicans and big cable and telecom companies oppose as harmful to innovation and investment.

(b) (4)

— Brooks Boliek

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O'Reilly said he understands the notion that "by absorbing more USF payers, the amount of each contribution should decrease," though he added: "But — and this is a big BUT — this only applies if you assume that spending for USF is going to stay constant. It is not."

— Brooks Boliek

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Mike O'Rielly

From: Erin McGrath
Sent: Tuesday, November 11, 2014 12:33 PM
To: Mike O'Rielly
Subject: Fw: Net neutrality

(b) (5)

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network

From: Fung, Brian
Sent: Tuesday, November 11, 2014 9:04 AM
To: Erin McGrath
Subject: Net neutrality

Hi Erin,

Any chance I can get five minutes on the phone with Commissioner O'Rielly today? We're looking to understand how Obama's statement is playing out.

Brian

Brian Fung
Tech Reporter, The Washington Post
Follow me on Twitter: [redacted]

Mike O'Rielly

From: Erin McGrath
Sent: Tuesday, November 11, 2014 12:33 PM
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I assume this is a LIG

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Brian Fung
Tech Reporter, The Washington Post
Follow me on Twitter: [redacted]

Mike ORIelly

From: Erin McGrath
Sent: Tuesday, November 11, 2014 3:18 PM
To: Mike ORIelly
Subject: Re: (b) (5)

(b) (5)

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Mike ORIelly
Sent: Tuesday, November 11, 2014 2:29 PM
To: Erin McGrath
Subject: (b) (5)



• [Haroldfeld](#) 29m 29 minutes ago
so u oppose ur own data roaming petition?
1:57 PM - 11 Nov 2014 · Details
[Hide conversation](#) 0 replies 0 retweets 0 favorites

[John Legere](#) 16h 16 hours ago
11/I'll say it again, [innovation](#) drives competition and fuels consumer choice. [done](#)
0 replies 62 retweets 138 favorites



[John Legere](#) 16h 16 hours ago
10/Less regulation = [uncarrier](#) innovation and disruption for consumers! [MusicFreedom](#) [SimpleChoice](#)
with [UnlimitedData](#)
0 replies 29 retweets 64 favorites



[John Legere](#) 16h 16 hours ago
9/I favor the 706 version .if regulated, because... did I mention how much I love innovation?!
0 replies 27 retweets 59 favorites



[John Legere](#) 16h 16 hours ago
8/Title II is heavy regulation and Section 706 is lighter.
0 replies 33 retweets 48 favorites



[John Legere](#) 16h 16 hours ago
7/There are 2 choices for internet regulation: Title II and Section 706.
0 replies 27 retweets 44 favorites

1

Mike ORIelly

From: Erin McGrath
Sent: Tuesday, November 11, 2014 3:18 PM
To: Mike ORIelly
Subject: Re: save this for later

Oh yeah. That made me laugh.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Mike ORIelly
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To: Erin McGrath
Subject: save this for later



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1:57 PM - 11 Nov 2014 · Details
[Hide conversation](#) 0 replies 0 retweets 0 favorites

[John Legere](#) 16h 16 hours ago
11/I'll say it again, [innovation](#) drives competition and fuels consumer choice. [done](#)
0 replies 62 retweets 138 favorites



[John Legere](#) 16h 16 hours ago
10/Less regulation = [uncarrier](#) innovation and disruption for consumers! [MusicFreedom](#) [SimpleChoice](#)
with [UnlimitedData](#)
0 replies 29 retweets 64 favorites



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[John Legere](#) 16h 16 hours ago
7/There are 2 choices for internet regulation: Title II and Section 706.
0 replies 27 retweets 44 favorites

1

HOG-01-000388

Amy Bender

From: Susan Fisenne
Sent: Monday, November 10, 2014 12:50 PM
To: Mike O'Reilly; Erin McGrath; Amy Bender
Subject: FW: LA Times request on Obama's net neutrality statement

(b) (6)

From: Puzzanghera, Jim [REDACTED]
Sent: Monday, November 10, 2014 12:43 PM
To: Susan Fisenne
Subject: LA Times request on Obama's net neutrality statement

Susan,
Does the commissioner have any comment on President Obama's net neutrality statement?
Thanks,
Jim Puzzanghera
National business writer
Los Angeles Times
Tribune Washington Bureau
1090 Vermont Ave. NW, [REDACTED]
Washington, DC 20005
[REDACTED]
Email [REDACTED]
Twitter [REDACTED]
Web: www.latimes.com/la-bio-jim-puzzanghera-staff.html

Amy Bender

From: Susan Fisenne
Sent: Monday, November 10, 2014 12:50 PM
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Los Angeles Times
Tribune Washington Bureau
1090 Vermont Ave. NW, [REDACTED]
Washington, DC 20005
[REDACTED]
Email [REDACTED]
Twitter [REDACTED]
Web: www.latimes.com/la-bio-jim-puzzanghera-staff.html

Erin McGrath

From: Mike Orielly
Sent: Monday, November 10, 2014 2:21 PM
To: Susan Fisenne; Erin McGrath; Amy Bender
Subject: Re: wsj edit page inquiry on net neut



Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Susan Fisenne
Sent: Monday, November 10, 2014 2:18 PM
To: Mike Orielly; Erin McGrath; Amy Bender
Subject: FW: wsj edit page inquiry on net neut

From: Freeman, James [REDACTED]
Sent: Monday, November 10, 2014 2:18 PM
To: Susan Fisenne
Subject: wsj edit page inquiry on net neut

Hi Susan

Working on an editorial for tonight. Has Mike put out a statement on Obama's remarks? If he's working on something but hasn't distributed it yet, any chance we could have it exclusively for tomorrow's paper? Thanks much,

James Freeman
Assistant editor, Editorial Page
The Wall Street Journal
[REDACTED]

1

Erin McGrath

From: Mike Orielly
Sent: Monday, November 10, 2014 2:21 PM
To: Susan Fisenne; Erin McGrath; Amy Bender
Subject: Re: wsj edit page inquiry on net neut

Tell him, haven't put anything out and may not do so. If we do, he can have exclusive.

Will chat with Pai later.

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The Wall Street Journal
[REDACTED]

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