



TOM WHEELER
CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 9, 2014

Mr. Alan B. Davidson, VP
Technology Policy and Strategy and
Director, Open Technology Institute
The New America Foundation
1899 L Street, NW, Suite 400
Washington, DC 20036

Ms. Julie Samuels, Executive Director
Engine Advocacy
156 2nd Street, Suite 316
San Francisco, CA 94105

Dear Mr. Davidson and Ms. Samuels,

I am writing in response to the letter you filed yesterday on behalf of Internet companies and innovators.

We agree – the Open Internet must be preserved and protected. My commitment to protect and preserve the Open Internet remains steadfast. That's why we swiftly drafted a proposal for public input after the Court of Appeals struck down two of the three Open Internet Rules in January, which left consumers and entrepreneurs without any protections against discrimination or blocking online.

Last week, at the convention of the nation's cable broadband providers, I made clear that if someone acts to divide the Internet between 'haves' and 'have nots,' I will use every power at our disposal to stop it, including Title II. I will not allow some companies to force Internet users into a slow lane so that others with special privileges can have superior service.

The item we will vote on next week seeks input on the best way to accommodate this goal. We will specifically ask whether Title II or Section 706 of the Communications Act is the best way to address the matter of Internet openness.

As an entrepreneur who started companies that offered new programs and services to cable companies, I was subject to being blocked from access to cable networks. It is an experience that made me especially wary of the power of closed networks to innovate on their own agenda to the detriment of small entrepreneurs.

To a very large extent, this experience has been the backbone of my long-time support for the Open Internet. It is the openness of the Internet that makes it special. My job at the FCC is to protect that openness, and the innovation and expression it allows to flourish.

Following the D.C. Circuit's *Verizon* decision, many proclaimed the death of the Open Internet. I have been quite specific that I read the court's decision quite differently; that it was an invitation for the FCC to act and a roadmap for how to get protections finally in place. At that time, I outlined exactly what I planned to do: I would put forward a proposal to fulfill the goals of the Open Internet rules.

I was explicit that all options for preserving Internet openness would remain on the table, including Title II. My proposal reflects these concepts. The action that I propose to take May 15 is to make that proposal public for the first time and invite comment by the American people. We will use the notice and comment procedure mandated by law to make the proposal available to all and to actively solicit comments, suggestions and other input.

I look forward to a continuing dialog with you on this topic. Let me close by quoting a statement in your letter: "Such rules are essential for the future of the Internet. This Commission should take the necessary steps to ensure that the Internet remains an open platform for speech and commerce so that America continues to lead the world in technology markets." I could not agree with you more and that's what we intend to do.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", with a stylized, cursive script.

Tom Wheeler
Chairman