

From: Sara Morris  
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: sm20140513.msg

No big deal. Analysts have to write something.

From: Sara Morris  
Sent: Tuesday, May 13, 2014 10:48 AM  
To: 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)  
Sent: Tuesday, May 13, 2014 10:27 AM  
To: Sara Morris  
Subject: FW: FCC, Net Neutrality, and Title II

FYI

George Reed-Dellinger -- 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.

HOGR-OI-001532

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