

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

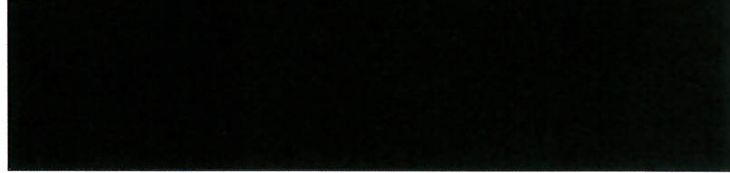
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(b) (5)



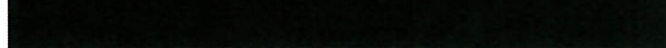
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Plus Stephanie.


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?r_email_referer=1&utm_source=Triggermail&utm_medium=email&utm_content=emailshare

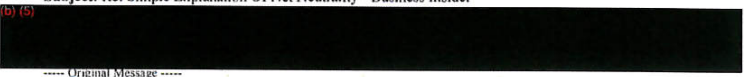
Sent from my iPad

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