

June 27, 2014

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

Re: *Protecting and Promoting the Open Internet*, GN Docket No. 14-28.

Dear Ms. Dortch:

On June 25, 2014, Karen Appleton of Box, Ben Autrey of Contextly, Ken Carter of CloudFlare, Denelle Dixon-Thayer of Mozilla, Brad Hunstable of Ustream, Mike Leber of Hurricane Electric, Demetrios Marantis of Square, Michael McGeary of Engine Advocacy, Matthew Prince of CloudFlare, David Rockower of Pandora, Michael Schmatz of CodeCombat, Paul Sieminski of Automatic, Ryan Singel of Contextly, Vince Sollitto of Yelp, Thomas Stocking of Gandi and Jon Zieger of Stripe (“participants”) met with Chairman Tom Wheeler, Sagar Doshi, the Chairman’s Special Assistant, and the undersigned.

The participants spoke generally of the need for the small and medium sized companies in which they invest to have access to open networks. The participants were specifically concerned with paid prioritization in the last mile, which they believe could advantage large companies over start-ups. Several participants, including Mr. Stocking, Mr. McGeary and Mr. Zieger, stated that even if prioritized or “fast” lane doesn’t literally degrade other broadband internet access service, as a practical matter, network operators will only upgrade the fast lane, resulting in *de facto* degradation.

The participants briefly discussed the application of open internet rules to mobile internet access. Mr. Stocking, Mr. Singel & Ms. Dixon-Thayer stated that there should be no distinction between rules for fixed internet access and mobile. Mr. Leber agreed, but thought that mobile specific rules should be considered in a separate proceeding focusing on a number of different issues affecting mobile internet access. Mr. Prince and Ms. Dixon Thayer expressed concern about “zero-rating,” that is, carriers exempting certain services from their data caps while not exempting other similar services.

The participants talked about the relative merits of using Title II of the Communications Act of 1934 and Section 706 of the Telecommunications Act of 1996 as legal authority for open internet rules. Mr. McGeary, Mr. Stocking, Mr. Sieminski, Mr. Schmatz and Mr. Singel expressed a preference for the Commission to reclassify broadband internet access as a telecommunications service under Title II of the Communications Act. Mr. Zieger asked that strong consideration be given to Title II reclassification, and in the absence of such reclassification there should be a strong presumption that paid prioritization is unreasonable. Mr. Prince and Mr. Leber expressed a preference for case-by-case adjudication of open internet complaints.

This letter is being filed in accordance with Section 1.1206(b) of the Commission's rules.

Sincerely,

/s/

Gigi B. Sohn
Special Counsel for External Affairs
Office of Chairman Tom Wheeler

cc. Chairman Tom Wheeler
Sagar Doshi