

March 18, 2024

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: WC Docket No. 23-320, *Safeguarding and Securing the Open Internet*

Dear Ms. Dortch:

On Thursday, March 14, 2024, Jessica González, Matt Wood, Heather Franklin, and I met with Chairwoman Jessica Rosenworcel, and with Priscilla Delgado Argeris and Ramesh Nagarajan, her Chief Counsel and Chief Legal Advisor, respectively. We continued our conversation of topics discussed in previous *ex parte* notifications filed on February 13 and 21, 2024.¹

Free Press emphasized the importance of Title II classification for broadband internet access service (BIAS). In particular, we reiterated that Title II classification would give the Commission proper oversight over BIAS providers and ensure public safety and network reliability. Moreover, we noted that Title II classification has always been essential for ensuring that BIAS is offered on just and reasonable terms in this regard, not only as a sound foundation for Net Neutrality protections. Yet in response to industry claims that harmful effects of repealing the Net Neutrality rules in 2017 did not come to pass,² Free Press stressed the effect of California's and other state Net Neutrality laws in maintaining a relative status quo in the 2015 *Open Internet Order*'s stead.

Finally, we discussed Professor Barbara van Schewick's white paper filed in this docket on March 13, 2024,³ which proposed additional considerations for the Commission in this proceeding. We conveyed that several suggestions included are consistent with the Commission's 2015 *Open Internet Order*. For example, we view Professor van Schewick's third request – that the Commission clarify that ISPs cannot evade Net Neutrality rules and offer fast lanes as “5G”

¹ Letter to Marlene H. Dortch, Secretary, Federal Communications Commission, from Matthew F. Wood, Free Press, *In the Matter of Safeguarding and Securing the Open Internet*, WC Docket No. 23-320 (filed Feb. 21, 2024), <https://www.fcc.gov/ecfs/document/1022205226419/1>; Letter to Marlene H. Dortch, Secretary, Federal Communications Commission, from Matthew F. Wood, Free Press, *In the Matter of Safeguarding and Securing the Open Internet*, WC Docket No. 23-320 (filed Feb. 13, 2024), <https://www.fcc.gov/ecfs/document/1021303067014/1>.

² See, e.g., Comments of CTIA, WC Docket No. 23-320, at 7-8 (filed Jan. 17, 2024), <https://www.fcc.gov/ecfs/document/1214144547233/1>.

³ Written *Ex Parte* of Professor Barbara van Schewick, *In the Matter of Safeguarding and Securing the Open Internet*, WC Docket No. 23-320 (filed Mar. 13, 2024), <https://www.fcc.gov/ecfs/document/1031324385666/2>.

specialized services to applications that can be supported without them⁴ – as an application of 2015 *Open Internet Order* principles to new technology.

Respectfully submitted,

Yanni Chen
Policy Counsel
ychen@freepress.net

⁴ *Id.* at 4-7.