



July 18, 2014

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Wheeler:

The undersigned mayors of New York City, San Francisco and Portland, Oregon submit this letter in response to the Federal Communications Commission's ("FCC" or "Commission") request for comment on the most effective strategies for ensuring that the Internet remains free and open. As the elected representatives of some 9.8 million residents, we urge the FCC to issue the strongest possible rules to guarantee Net Neutrality.

The Commission has, to date, classified broadband Internet service—whether offered via wireline facilities, wireless technologies or power lines—as an “information service.”<sup>1</sup> By treating broadband as such, instead of a telecommunications service, the Commission has foregone opportunities to regulate broadband providers as common carriers under Title II of the Communications Act<sup>2</sup> and to take advantage of the Act's service, rate, anti-discrimination, disclosure, penalty and enforcement provisions.<sup>3</sup>

We believe that the most effective way to truly protect the open Internet is for the FCC to break with its previous approach and re-classify broadband Internet as a telecommunications service subject to regulation as a common carrier. By treating broadband operators in this way, the Commission would vastly increase its authority to hold them accountable for activities—including discriminatory practices—that threaten the open Internet.

The nation's cities are particularly well positioned to speak about the need for increased transparency. Currently, the lack of clear, accurate information results in confusion with respect to key service features like download and upload speeds, pricing and usage restrictions. This has contributed to widespread consumer dissatisfaction with broadband providers.<sup>4</sup> These practices also place considerable burdens on local agencies, which must use their own resources to help consumers resolve challenges. To address these problems, we urge the FCC to adopt transparency rules that require broadband providers to disclose information allowing consumers to make informed choices and localities to accurately assess the services that are being provided.

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<sup>1</sup> See Federal Communications Commission, Notice of Proposed Rulemaking, Protecting and Promoting the Open Internet, GN Docket No. 14-27, 58 (2014).

<sup>2</sup> See 47 U.S.C. §§ 153(24), 153(50), 153(53) and 153(51).

<sup>3</sup> See 47 U.S.C. §§ 201-209.

<sup>4</sup> See, generally, American Customer Satisfaction Index 2014 Telecommunications and Information Report, available at <http://www.theacsi.org/news-and-resources/customer-satisfaction-reports/reports-2014/acsi-telecommunications-and-information-report-2014>.

Perhaps no issue has generated as much alarm among members of the public, advocates and other stakeholders as the risk that content and content-provider based blocking and other discriminatory practices pose to Net Neutrality. Rules prohibiting the blocking of lawful content, services and applications are particularly important for the public schools and libraries that serve our residents. These institutions serve critically important educational functions for young people and adults. In addition, because they provide Internet access in the context of meaningful education, training, employment and other programs, they are essential vehicles for meeting adoption goals.

It is critically important that our residents—among them many students, parents, educators and others who are only able to connect to broadband at schools or libraries—are able to freely access lawful content without being confronted with delays that threaten adoption. In addition, it is vital that the content our residents, businesses and others create is freely accessible online. With this in mind, we urge the Commission, upon re-classifying broadband as a telecommunications service, to adopt the strongest possible rules against blocking, prioritization and other discriminatory practices.

We urge the Commission to seize this opportunity to vigorously promote a free and open Internet by reclassifying broadband as a telecommunications service under Title II, promulgating effective transparency rules and adopting the strongest possible protections against blocking, prioritization and other discriminatory practices.

Thank you for taking these thoughts into consideration.

Sincerely,



Bill de Blasio  
Mayor  
City of New York



Charlie Hales  
Mayor  
City of Portland, OR



Edwin M. Lee  
Mayor  
City of San Francisco