



Chairman Tom Wheeler  
Commissioner Mignon Clyburn  
Commissioner Jessica Rosenworcel  
Commissioner Ajit Pai  
Commissioner Michael O’Rielly  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Jan. 26, 2015

**Re: Net Neutrality and consumer protections  
GN Docket No. 14-28 (Open Internet Remand)**

Dear Chairman Wheeler and Commissioners Clyburn, Rosenworcel, Pai and O’Rielly:

I am writing on behalf of Consumer Watchdog, a nonpartisan nonprofit public interest group, to ask the Federal Communications Commission to ensure vital consumer protections are in place as you strive to ensure ‘net neutrality.

Based on recent press reports the Commission appears poised to reclassify broadband as a telecommunication service and regulate broadband providers as common carriers under Title II of the Communications Act. In regulating broadband under Title II it is essential that the Commission apply sections of Title II regarding universal service, consumer protection and competition.

As the Commission has said, the Internet has been successful because it is an open platform. It must continue to be open, treating all comers equally, so that “a bit is just a bit.” Reclassification will guarantee this and will prevent the creation of high-speed Internet service for those who can afford to pay a premium toll exacted by the Internet Service Providers (ISPs), while the rest of us are condemned to a barely adequate, clogged and congested Internet service. Consumer Watchdog strongly supports reclassification as the only effective way to ensure true ‘net neutrality.

The key question facing you is how Title II should be applied to accomplish this goal. Admittedly sections of the act date to 1934 and are no longer relevant to today’s technology. Thus, the Commission has the ability to “forbear” from exercising authority in areas that are no longer relevant or necessary to achieve the goals of U.S. communications policy. Some have suggested that ‘net neutrality could be implemented merely by applying only Sections 201, 202, and 208 of the Act and forbearing on everything else.

This would be a serious error because it would leave the Commission no ability to offer regulations key to protecting consumers and furthering U.S. communications policy in other important areas. In addition to the three sections mentioned above, Consumer Watchdog urges the Commission to apply these 13 sections of Title II to broadband providers when they are reclassified as telecommunications services:

## UNIVERSAL SERVICE

Sec. 214. [47 U.S.C. 214] Extension Of Lines

Sec. 225. [47 U.S.C. 225] Telecommunications Services for Hearing-Impaired and Speech-Impaired Individuals.

Sec. 254. [47 U.S.C. 254] Universal Service.

Sec. 255. [47 U.S.C. 255] Access by Persons With Disabilities.

## CONSUMER PROTECTION

Sec. 217. [47 U.S.C. 217] Liability of Carrier for Acts and Omissions of Agents.

Sec. 222. [47 U.S.C. 222] Privacy Of Customer Information.

Sec. 230. [47 U.S.C. 230] Protection for Private Blocking and Screening of Offensive Material.

Sec. 258. [47 U.S.C. 258] Illegal Changes in Subscriber Carrier Selections.

## COMPETITION

Sec. 224. [47 U.S.C. 224] Regulation of Pole Attachments.

Sec. 253. [47 U.S.C. 253] Removal of Barriers to Entry.

Sec. 251. [47 U.S.C. 251] Interconnection

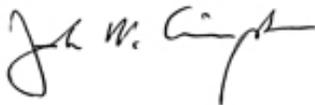
Sec. 256. [47 U.S.C. 256] Coordination for Interconnectivity.

Sec. 257. [47 U.S.C. 257] Market Entry Barriers Proceeding.

Sec. 222 is perhaps the most important provision from a consumer's perspective. It was explicitly put in place so that telephone companies could not exploit their copper networks to impact people's privacy. This vital protection should exist related to private information secured from digital networks. The FCC must adopt regulations to ensure that the integrity and privacy of data gathered on the broadband networks we use are maintained.

Consumer Watchdog believes the record is already sufficient to warrant applying these 14 sections of Title II to broadband providers and beginning appropriate rule-making proceedings in each area. Another path forward – though Consumer Watchdog believes it to be completely unnecessary – would be to defer any possible forbearance on these sections until independent notice and comment proceedings have been completed on each. The important point is that these sections of Title II offer important consumer protections in such areas as privacy that are a foundation for sound communications policy. If consumers believe that their broadband provider substantially threatens their privacy, they are less likely to use the Internet. We urge the Commission to act accordingly and decisively so consumers' interests are protected.

Sincerely,



John M. Simpson  
Privacy Project Director