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OPENINTERNETCOALITION.COM

December 3, 2008

John Podesta and Valerie Jarrett
Co-Chairs
Obama-Biden Transition Project
451 6th Street, NW
Washington, DC 20270

Dear Mr. Podesta and Ms. Jarrett,

I am writing on behalf of the Open Internet Coalition, a group of consumer, grassroots organizations, and businesses working in pursuit of our shared goal of keeping the Internet fast, open and accessible to all Americans.

We have followed the presidential campaign with great interest, particularly with regards to President-elect Obama's proposals on technology issues, specifically in the area of an open Internet. In his technology paper "Connecting and Empowering All Americans Through Technology and Innovation", he recognized the importance an open Internet plays in both our economy and our democracy. In this time of economic crisis, it is even more critical that we pursue policies that will encourage investment and growth by spurring continued innovation on the Internet.

President-elect Obama proposed protecting the openness of the Internet by supporting the principle of network neutrality to preserve the benefits of open competition and innovation on the Internet. He recognized several other important openness principles, including the rights of consumers to access content, to use applications, and to attach personal devices to the Internet. He also opposed toll charges which would create a two tier Internet with fast and slow lanes.

In addition to ensuring openness, President-elect Obama stated that only through a build-out of true broadband to every community in America through USF reform and wireless deployment, can America retake its world leadership in broadband penetration and Internet access.

The Open Internet Coalition supports these important goals, and stands ready to work to help implement them through smart and effective government policies, throughout the new administration. We hope that as you conduct the transition process, you will be focusing on four key areas where strong and committed leadership will be needed to help ensure that President-elect Obama's proposals on behalf of the open Internet will be enacted.

- 1) Appoint a new Chairman and a new Commissioner for the Federal Communications Commission who support strong enforcement and promotion of open Internet principles.

President-elect Obama will have the opportunity to reshape the FCC as a proactive agency dedicated to enforcing principles of openness and non-discrimination as has been done in the recent Comcast matter. We hope that the nominees to the Commission will use the confirmation process before the Senate to express their support for this decision and will embrace continued protection of the open Internet across all broadband platforms through both enforcement and rulemaking.

- 2) Appoint leaders at the Federal Trade Commission and the Department of Justice who understand the importance of promoting an open Internet through vigorous use of pro-competition and consumer protection laws.

Too often, policymakers have neglected antitrust law as a tool for promoting the open Internet. New appointees to the FTC and the DoJ, particularly the FTC Chairman and Director of Competition and the DoJ Assistant Attorney General for Antitrust, should have an understanding of the importance of this issue in their work, using antitrust tools to protect the open Internet and promote a competitive consumer marketplace for broadband services. Additionally, the FTC Director of Consumer Protection should also put protecting consumers from unfair and deceptive trade practices by broadband Internet providers on their agenda.

- 3) Require the Chief Technology Officer and the United States Trade Representative to promote open Internet policies at home and abroad.

The open Internet is part of a larger group of open technology issues that can be very beneficial to our economy in this period of global economic slowdown. Openness can drive technological growth and innovation, helping spur investment and job creation in this crucial time. It is important that economic policymakers, for both our domestic and international economy, understand the role that government policies can play to foster this progress. We ask that the new CTO and USTR have key staff with the responsibility for promoting pro-openness policies.



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- 4) Support legislation in Congress that protects the Open Internet by prohibiting unreasonable discrimination by network operators.

Appointments to key agencies are not enough. It is critical that Congress state that unreasonable discrimination by Internet network operators is illegal. The sooner that Congress clearly speaks to this issue, the sooner that entrepreneurs and innovators will get the green light that their investments and inventions will continue to be able to be used by all broadband Internet consumers, however they access the Internet. It is critical that President-elect Obama include this as part of his legislative agenda to show the kind of leadership that will be needed to ensure Congress takes action.

We are excited about the progress that has been made on these issues, and look forward to working with this new Administration to help restore the US leadership in a core area of economic growth, trade, and development.

Sincerely,

Markham Erickson
Executive Director, Open Internet Coalition
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cc: Julius Genachowski, Obama-Biden Transition Advisory Board Member