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## A Consumer-based Standard for Protecting the Open Internet

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### **Focus on Protecting, Promoting, and Preserving**

AT&T supports an open Internet that provides consumers with access to information when, where and how they want it. That is why we agree with the goal of this rulemaking: to preserve the openness of the Internet while maintaining the right incentives for deployment of next-generation “smart” networks needed to support all the applications, content and services that consumers want. Although undoubtedly developed with the best of intentions, we don’t believe that the FCC’s proposed rules, as written, will accomplish these goals. However, we think that can be accomplished by:

- Protecting an Internet that has never been healthier and more open.
- Promoting a public policy framework that encourages flexibility and innovation.
- Preserving an evenhanded approach that ensures fairness across the Internet ecosystem.

### **Protecting an Internet That Has Never Been Healthier or More Open**

The Internet has never been healthier as demonstrated by increased competition, innovative devices and applications, and burgeoning consumer benefits.

- New social networking applications (e.g., Facebook, Twitter) and multimedia sites (e.g., YouTube, Hulu) have exploded in popularity and reshaped American life.
- Wired broadband providers have invested tens of billions of dollars, and created tens of thousands of jobs, to upgrade their networks in order to provide the triple play of voice, video and Internet access.
- Internet access speeds have increased dramatically, even as the price of Internet access has plummeted.
- 3G wireless broadband services have surged, supplying not only the “third pipe” to consumers, but also, in many areas, the fourth, fifth, and sixth pipes.
- The wireless marketplace also boasts a range of wireless platforms that have spawned hundreds of thousands of wireless applications from third-party developers.

### **Promoting Public Policy That Encourages Flexibility and Innovation**

While we don’t believe that new rules are needed, if the Commission moves forward with Internet access rules, it should modify the proposed rules in at least six ways to ensure that the continued growth of the Internet and its remarkable contribution to our culture, our political discourse and our economy.

First, the definition of broadband Internet access and the scope of its net neutrality rules should allow for the development of technologies such as Internet TV, smart electric meters, remote health monitoring and voice over the Internet.

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Second, the “nondiscrimination” rule should reflect a middle ground approach that balances the need to protect consumers from harms and anticompetitive behavior with the need to preserve openness and encourage companies to invest in infrastructure.

Third, wireless broadband growth, competition, and consumer benefits are clear successes resulting in the creation of jobs and considerable investment. Consumers don’t stand to benefit from the extension of rules to wireless when that market is thriving and contributing so much to our economy and America’s global competitiveness.

Fourth, for decades the Internet has enabled the prioritization of packets for performance-sensitive applications which is necessary to preserve the quality that consumers have come to expect. The definition of reasonable network management should allow for the continuation of essential industry practices that ensure the Internet operates efficiently.

Fifth, AT&T supports a transparency principle that would provide additional information to consumers helping them select Internet providers. However, we are concerned that the NPRM’s requirements that Internet service providers distribute information about proprietary network management to competitors could compromise the security of the network and harm consumers.

Sixth, any open Internet rules should be applied evenhandedly to all Internet-based information service providers. Search providers, content delivery network providers, and others shape consumers’ Internet experience as much, and in some cases more than, broadband providers do, but these groups are not addressed in the proposed rules.

### **Preserving Basic Fairness**

The rules, as currently written, could hamper the continued operation of existing lines of business that have spurred the innovation and investment that make the Internet successful.

Network providers have invested billions of dollars in wired and wireless broadband networks with the reasonable expectation that those investments would not be devalued. For example, the NPRM proposes to reverse regulatory commitments made when companies bid on, and paid for, spectrum licenses.

### **First Do No Harm**

We have and can achieve Internet Openness while at same time encouraging the continued network investment that has brought and continues to bring increased bandwidth and faster Internet speeds to consumers. We hope that, as this process moves forward, many of the concerns being raised will be addressed and we will retain a framework that protects Internet openness while preserving incentives that will promote infrastructure investment to keep the Internet the vibrant marketplace it is today.