

**STATEMENT OF
CHAIRMAN KEVIN J. MARTIN**

En Banc Hearing of the Federal Communications Commission,
Cambridge, Massachusetts, February 25, 2008

I want to thank everyone for coming today to make this a productive and educational forum for the Commission.

I'd like to begin by thanking our hosts, the Berkman Center for Internet & Society here at Harvard Law School, including Executive Director Professor John Palfrey, Professor Charles Nesson and Yochai Benkler, among others.

And it is always a pleasure to hear from Chairman Markey. I'd also like to thank all of our distinguished panelists for joining us today to discuss these issues which are important for all consumers as we evaluate the broadband marketplace.

In 2005, the Commission adopted an Internet Policy Statement containing four principles.

To encourage broadband deployment and preserve and promote the open and interconnected nature of the public Internet, the Commission established the following principles:

- Consumers are entitled to access the lawful Internet content of their choice;
- Consumers are entitled to run applications and use services of their choice, subject to the needs of law enforcement;

- Consumers are entitled to connect their choice of legal devices that do not harm the network;
- Consumers are entitled to competition among network providers, application and service providers, and content providers.

The adopted principles are subject to reasonable network management.

The intent of these principles was to protect consumers' access to the lawful online content of their choice.

The intent was also to foster the creation, adoption and use of Internet broadband content, applications, and services.

The Commission is the expert communications agency.

I believe that it is useful for us to examine the current practices and developments in the broadband marketplace, like we are doing here today.

The Commission remains vigilant in protecting consumers' access to content on the Internet.

Network operators claim they employ "reasonable network management" in the operation of their broadband networks.

The question is: What are reasonable network practices?

Networks may have legitimate network management practices.

Obviously network operators can take reasonable steps to manage traffic, but they cannot arbitrarily block access.

This raises several issues in my mind.

First, it seems important that they do so in a reasonable, open, and transparent way.

Consumers need to know if and how network management practices distinguish between different applications, so that consumers can configure their own applications and systems properly.

And it means providing transparency to broadband consumers – in the promises to deliver increased speeds, services, and pricing.

Consumers have alleged that operators are blocking or degrading consumers' access to the Internet by distinguishing between certain peer to peer applications.

Consumers have alleged that these operator practices have not been transparent.

These are very significant issues.

The seriousness of it is one of the reasons we're holding this hearing – to hear from all sides.

We have the dual responsibilities of creating an environment that promotes infrastructure investment and broadband deployment and to ensure that consumers' access to content on the Internet is protected.

Hearing from experts today, as well as commenters in the record, will allow us to better monitor this market and determine the extent to which providers are acting consistently with our Internet Policy Statement.

The Commission is ready, willing, and able to step in if necessary.

We can best fulfill these responsibilities by being fully informed.