



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202/418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

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NEWS MEDIA CONTACT
Brigid Calamis 202-418-2200
William Freedman 202-418-2400

JOINT STATEMENT OF COMMISSIONERS ROBERT M. McDOWELL AND MEREDITH A. BAKER ON CHAIRMAN GENACHOWSKI'S SPEECH ON NET NEUTRALITY

We share Chairman Genachowski's goal of ensuring a free and open Internet that maximizes opportunities for innovation and democracy. The Internet is among humankind's most powerful inventions and has already helped to improve the human condition on a previously unimaginable scale. All of us should work together to nurture its growth and development.

We hope that all of the stakeholders affected by the Chairman's proposed endeavor have sufficient time to investigate the facts thoroughly and deliberate openly before the Commission acts to codify more government involvement in the Internet space. Although we have not been given any draft or summary of proposed net neutrality rules, it is clear from the Chairman's statements that they will be monumental in their scope. In the meantime, we are concerned that both factual and legal conclusions may have been drawn before the process has begun. Nonetheless, we look forward to reviewing any and all compelling evidence that may be developed in the record that illustrates the palpable harms that many allege. We do not believe that the Commission should adopt regulations based merely on anecdotes, or in an effort to alleviate the political pressures of the day, if the facts do not clearly demonstrate that a problem needs to be remedied.

At the outset, however, this dramatic proposal to grow government's involvement in Internet governance and management would appear to be a reversal of decades of precedent and of the Clinton-Gore Administration's bipartisan policy to allow a diverse assortment of technical experts, rather than politicians and bureaucrats, working in loosely knit non-governmental organizations to make such engineering decisions. Many unanswered questions lie ahead. For instance, with the Internet being a global network of networks, today's statement does nothing to address the effect new rules may have on encouraging additional foreign government control of the Internet.

Curiously, today's speech appears to admit that the Commission did not have enforceable rules at the time of last year's Comcast/BitTorrent decision while the Commission simultaneously files its appellate brief defending that decision.

As we analyze this situation further, we remain hopeful that any future Commission action will create an atmosphere that is conducive to promoting freedom, investment and innovation not only at the edge of the Internet but at its core as well.