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# United States Senate

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October 22, 2009

The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

OSP  
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JG  
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Dear Chairman Genachowski:

First, congratulations on your confirmation as Chairman of the Federal Communications Commission. Few of your predecessors have led the Commission at a more dynamic and challenging time in our history. The Commission has before it a wide range of issues, from the development of a national broadband plan to spectrum policy to reforming the FCC itself. One of the more prominent issues is network neutrality.

As you know, I have been a champion of network neutrality and am writing to express my support for the Commission's efforts to begin the process of examining this issue through a notice of proposed rulemaking. Handled correctly, the rulemaking process should ensure that all Americans are able to access lawful content of their choice as well as use any application, service, or device as long as it doesn't harm the network. It will also provide peace of mind to users and developers by prohibiting unreasonable and anticompetitive discrimination that would adversely affect Internet users' experience or choice. These fundamental pillars, openness and freedom, have been the bedrock of the Internet's amazing growth, global acceptance, and the infinite benefits that have been reaped by Internet users and should be preserved.

At the same time, there is a significant interdependency between broadband and Internet content and applications that must allow for the appropriate level of flexibility for network operators to effectively manage their networks in order to ensure quality of service to all customers. This is essential since networks are becoming more complex due to the convergence of voice, video, and data traffic—from emails to live streaming high-definition video. In addition, content is growing larger and more dynamic—there has been an explosion of user-generated content, which was not anticipated when these commercial broadband networks were designed more than a decade ago—*approximately 60 percent of the content on the Internet is user-generated and at least five of the top ten most popular websites are forums for user-generated content.*

We must also ensure that overly prescriptive network neutrality regulations do not infringe on our effort to provide affordable, high-speed broadband to every American. It is estimated that about 9 million American households lack access to broadband, and millions more

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lack adequate broadband speeds necessary to leverage the full benefit the Internet has to offer. These households, typically in inner city and rural areas, have the most to gain from broadband through greater access to job opportunities, education and training, e-commerce, and e-government.

Notably, the US ranks globally 15<sup>th</sup> in broadband adoption, 14<sup>th</sup> in broadband pricing, and 28<sup>th</sup> in broadband speeds—not very impressive for the country that invented the Internet. These issues will certainly be addressed in the Commission's national broadband plan, but excessive network neutrality regulation could bring uncertainty.

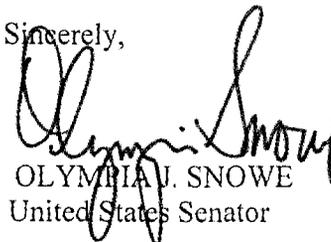
An ancillary issue that should be further examined by the FCC in the future is when Internet services emulate traditional telecommunications services. Differences in regulation could present an unfair competitive advantage and infringe on the Commission's long-held technology-neutral approach. More importantly, it could disadvantage some consumers over others by reducing access to popular and valuable services. One of the amazing benefits of the Internet is that it erodes geographic barriers so innovation should permeate ubiquitously regardless of an Internet user's location.

The Internet's vast impact on this nation is profoundly indelible and undeniable. There are approximately 230 million Internet users and more than 70 million of them are broadband subscribers. Yet, we haven't even scratched the surface on how immense the impact will eventually be. A well-reasoned network neutrality policy is an essential component in protecting the fundamental tenets of openness and freedom in order to achieve that boundless benefit.

One of the constant themes I heard throughout the Commission's Broadband Workshops was government must not prohibit appropriate experimentation. It is imperative that we encourage innovation to occur at *all* segments of the Internet supply chain for that is the vital catalyst to the Internet's continued health and growth.

I look forward to being kept apprised of the FCC's activity on this matter and am sure the Commission will perform the essential due diligence in collecting the necessary information to develop sound policy. I am also willing to work with the FCC and my colleagues here in Congress to ensure that the Commission has the resources and authority to properly and effectively address this issue.

Sincerely,



OLYMPIA J. SNOWE  
United States Senator

CC: Commissioner Michael J. Copps  
Commissioner Robert M. McDowell  
Commissioner Mignon Clyburn  
Commissioner Meredith Attwell Baker