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March 6, 2007

The Honorable Byron L. Dorgan
United States Senate
322 Hart Senate Office Building
Washington, DC 20510

Dear Senator Dorgan,

On behalf of Carnegie Mellon University, we write to express our strong support of network neutrality and to commend your sponsorship of the Internet Freedom Preservation Act.

Network neutrality is necessary to enable libraries and universities to accomplish their educational mission. Network neutrality ensures access to diverse sources of information that are essential to support innovation and experimentation and to engender an informed citizenry. In a world of global e-mail, electronic media, blogs, and instant messaging, allowing telephone and cable companies to block or discriminate against any lawful Internet content, service, application, or technology puts democracy at risk. Indeed, such selection for and against particular services and content at the network level is *exactly* what is happening in non-democratic regimes, where those with political or economic power are limiting open and free speech.

We are delighted that the draft Internet Freedom Preservation Act addresses the concerns of consumers and the concerns of telecommunications providers. In particular, we commend the following:

- The creation of a new Section 12 in Title I for broadband services, rather than incorporating the Act into Title II, the common carrier statute
- Prohibiting broadband service providers from blocking, interfering with, discriminating against, impairing or degrading service
- Prohibiting providers from preventing or obstructing the attachment of user devices if the devices do not damage or degrade the network
- Allowing prioritization based on content type and level of service, not content source
- Allowing tiered pricing based on defined levels of bandwidth or bandwidth consumption, not content type or source
- Requiring that users have the right to refuse or disable offered consumer protection services
- Requiring providers to offer stand-alone broadband service, prohibiting them from requiring users to purchase bundles of services
- Explicit language allowing necessary network management
- Rules and procedures for implementing the Act and processing complaints
- Requiring the Federal Communications Commission to report annually on the delivery of content, applications and services and the state of competition

These provisions should quell the objections of the telecommunications industry that network neutrality legislation will prevent them from prioritizing content types and managing network traffic to maintain Quality of Service (QoS). The draft bill gives the industry substantial latitude to provide tiered services

and to innovate and remain competitive. What is strictly prohibited is discriminating based on content source. This is and must be protected in the interest of consumers.

In a recent letter to the Federal Trade Commission, Grant Seiffert, President of the Telecommunications Industry Association (TIA), stated that there is no demonstrated need for regulation at this time, and that in the absence of demonstrable harm no need to undermine the industry's incentive by enacting legislation that would render its return on investment uncertain.¹

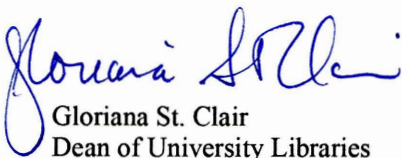
We believe that there is a demonstrated need and demonstrated harm. For over a year now telephone and cable companies have been saying that they will not block or discriminate against content or services. Yet cases of blocked access and services have been reported in the news, confirming that what telecommunications companies say and what they do are two different things. Furthermore, even if they do not block access or service, they can render content and services useless by severely limiting the bandwidth allocated to them. *In the letter noted above, TIA states clearly that they want to be able to discriminate based on the source of the content.*

Trusting that network neutrality will be maintained by self-regulation is dangerous. The risks are too great and the stakes too high. The claims of the broadband industries are sufficiently compelling reasons to ensure network neutrality. In the absence of legislation that prohibits them, discriminatory practices will proliferate. Consumers are – and have reason to be – very concerned about discriminatory practices of network operators. We need legislative action to prevent these problems.

Thank you again for sponsoring the Internet Freedom Preservation Act. We look forward to its passage into law. The educational mission of universities and the role of libraries in a democratic society depend on the nondiscriminatory flow of content on the Internet. A free and open Internet enabled young, unknown entrepreneurs to develop Google, Yahoo!, eBay and many other innovative businesses. Without network neutrality, access to the Internet will become constrained and costly, stifling innovation and growth. For the public good and the national interest, the Internet must remain open and neutral.

If you have any questions about the significance of this freedom, please do not hesitate to contact us.

Sincerely,



Gloriana St. Clair
Dean of University Libraries



Joel Smith
Vice Provost and Chief Information Officer
Computing Services

cc: Olympia J. Snowe
Barbara Boxer
John F. Kerry
Patrick Leahy

Barack Obama
Hillary Clinton
Tom Harkin
Daniel K. Inouye

¹ See <http://www.tiaonline.org/./FTCNComments020507.pdf>