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## CENTER FOR INDIVIDUAL FREEDOM

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113 S. Columbus St., Suite 310 • Alexandria, VA 22314 • (703) 535-5836 • (703) 535-5838 (fax) • [www.cfif.org](http://www.cfif.org)

June 5, 2007

The Honorable Kevin J. Martin  
Chairman  
Commission's Secretary, Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington DC 20554

Dear Mr. Chairman:

In response to the Federal Communications Commission's ("FCC" or "Commission") Notice of Inquiry (7-31) concerning whether the Commission's 2005 Policy Statement adequately protects Internet consumers, I am writing on behalf of the Center for Individual Freedom ("CFIF") to recommend the FCC reject the "net neutrality" regulations being proposed.

CFIF is a nonpartisan organization with more than 250,000 supporters and activists nationwide. We are committed to advocating public policies that protect the rights and freedoms of individuals and consumers. "Net neutrality" regulations represent a direct threat to those rights and freedoms, to say nothing of the threat they pose to the broader economy.

Our constituency's response to the NOI's question about policy changes to protect Internet users is that the greatest boon to Internet users' freedom would be access to more and smarter bandwidth, not regulation of existing bandwidth. While every moment in the history of the Internet has been hailed as "critical," the next few years truly merit that adjective.

The current Internet, the interconnected system of narrowband networks, is being replaced by so-called "Internet 2.0" -- a broadband network capable of transferring the deluge of data now being produced by our increasingly electronic global economy. As text files and emails are being supplanted by data-rich audio and video files, Internet consumers will need both greater bandwidth and smarter networks -- just as increased automobile traffic calls for wider, better-maintained and better-managed highways.

The policies proposed under the name "net neutrality" would in fact significantly regulate the Internet for the first time since its explosion on the scene more than a decade ago. The exponential growth of the Internet since that time has long been credited to the bipartisan policy of non-intervention upheld by administrations and Congresses of both parties, and by the federal judiciary. It is the very openness of the Internet market that

has attracted a dramatic increase of innovative minds, wise investors and willing consumers in recent years. Government regulation of any sort would have an immediate chilling effect on that environment, and "net neutrality" regulations would be particularly destructive.

So-called "net neutrality" regulations purport to protect Internet users from discrimination based on their provider. But aside from one small ISP that briefly blocked VoIP traffic before this Commission intervened, not a single shred of evidence for such discrimination has ever been unearthed (a fact even more significant in light of the well-funded organizations advocating net neutrality, who have spared no expense looking). Internet service providers have simply never blocked or degraded content from websites not affiliated with the provider.

Rather, the 2005 Policy Statement principles have been endorsed and closely adhered to by every major broadband provider in the country, and failing to do so would -- given the speed with which such news travels in cyberspace -- result in immediate punitive action taken by online consumers. In other words, not only is there no discrimination, there is no incentive to discriminate.

The true motivation of the "net neutrality" regulations is to insert the federal government into a free, fair and open market to choose winners and losers. The current regime of market-based, competitive self-regulation has worked better than anyone could have hoped, and certainly better than any arbitrary government interference. That kind of interference will scare off investors, choke off jobs and negate opportunities across the information economy.

The proper course of action is more broadband. Under the current principles, the private sector -- led by telecommunications companies, Internet and cable providers and others -- are in the process of building out the next generation Internet. High-speed, broadband networks -- a true information superhighway -- are being laid down across the United States and around the world. Changing the regulatory policies governing such activity will not only slow, or even eliminate, the deployment of that much-needed infrastructure, it would undermine the stated goals of Congress, two presidential administrations, and the FCC itself.

CFIF strongly urges the Commission to reject "net neutrality" regulations, and to protect consumers by respecting the highly successful federal policy of non-intervention.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Mazzella". The signature is stylized and cursive.

Jeffrey Mazzella  
President