



**INTERNATIONAL
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October 15, 2009

VIA FACSIMILE

The Honorable Julius Genachowski
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Dear Chairman Genachowski:

The Commission has announced that it will issue a Notice of Proposed Rulemaking (NPRM) on policies to preserve a free and open Internet at its next public meeting.

As a starting point for rational discussion, the NPRM should:

- Put network investment and associated job creation at the center of the discussion, acknowledging that the telecommunications sector is essential to recovery in the current downturn and our nation's long-term economic competitiveness.
- Frame a proposed fifth principle protecting consumers from *unreasonable* discrimination that includes appropriately robust carve-outs for managed networks and reasonable network management, while promoting a dynamic, open, and public Internet. Consumers will benefit from telemedicine, education, energy conservation, entertainment, and other applications and services that will require considerable network management. In addition, revenues from managed services are an essential component of the business case for broadband investment. Higher capacity networks in turn promote a robust public Internet alongside managed networks.
- Ensure consistency in all proposed principles by protecting consumers' access to vibrant competition (4th principle) and transparency (6th principle) among all Internet participants, including network providers, application and service providers, and content providers.
- Carefully formulate proposed rules regarding wireless networks that recognize the vibrant competition, capacity constraints, and other unique characteristics of wireless. In particular, the proposed rules must recognize the financial and legal ramifications of the most recent 700 MHz Auction. In that auction, the Commission sold off "restricted" (subject to some open Internet requirements) and "unrestricted" spectrum. Bidders paid four times as much for the unrestricted as for the restricted spectrum. Imposing after-the-fact open Internet rules on the unrestricted spectrum would artificially interfere with competitive forces in the wireless market.

Thank you for your consideration of these issues. The IBEW looks forward to actively participating in this process.

Sincerely yours,

Edwin D. Hill
International President

EDH:zsb

Copy to Commissioner Michael J. Copps
Commissioner Mignon Clyburn
Commissioner Robert M. McDowell
Commissioner Meredith Attwell Baker

