

May 13, 2014

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St, SW  
Washington, D.C. 20554

**Re: Notice of *Ex Parte* presentation in WC Docket No. 14-28**

Dear Ms. Dortch:

On Monday, May 12, 2014, representatives of the American Library Association (ALA), the Association of Research Libraries (ARL), and EDUCAUSE met with Henning Schulzrinne, Tim Brennan, Bob Cannon, Matthew DelNero and Allison Neplokh of the FCC staff to discuss net neutrality. The meeting included Jarret Cummings (EDUCAUSE), Prue Adler and Krista Cox (ARL), Emily Sheketoff and Larra Clark (ALA), Josh Ulman and Jen Ortega (Ulman Public Policy & Federal Relations) and John Windhausen (Telepoly Consulting).

The three organizations described their long-standing interest in preserving an open Internet, and noted that they participated actively in the proceeding leading to the adoption of the 2010 Open Internet Order. The three organizations reminded the FCC staff that they filed a joint letter in this proceeding in February, when this proceeding first opened. They also shared examples of how libraries and higher education produce and share content on-line, including digital archives of audio/video files, and distance learning and massively open on-line courses (MOOCs). Public libraries, in particular, offer Internet access to the general public free of charge and increasingly promote entrepreneurship and foster start-up businesses.

The group noted that education, research and learning organizations do not fit into either of the traditional residential or business (enterprise) categories and need to be recognized in any future policies to protect the open Internet. The organizations prefer reclassifying broadband Internet access as a Title II telecommunications service, but, absent such reclassification, they are also willing to work with the FCC to obtain the strongest possible enforceable open Internet protections under the FCC's 706 authority. They said that paid prioritization is inherently unfair and could be particularly harmful to education, research and learning organizations that do not have the resources to pay additional fees. A paid prioritization regime could give broadband ISPs an incentive to allocate all of the growth in bandwidth to those who pay higher fees. They said that education, research and learning organizations' bandwidth needs will continue to grow rapidly over the foreseeable future, and guaranteeing an existing level of bandwidth (the status quo) would not be satisfactory.

The groups said that the proposed "ombudsman" should also have authority to advocate for and support education, research and learning organizations, not just small companies. They also said that mobile services are increasingly used for education, research and learning, and there should be no difference in the open Internet rules for wired and wireless services. Finally, the group

noted that higher education and libraries, as end users, often have their own private networks that should not be subject to the rules that apply to publicly available broadband Internet access services.

Sincerely,

A handwritten signature in black ink that reads "John Windhausen, Jr." The signature is written in a cursive style with a large initial 'J' and a distinct 'r' at the end.

John Windhausen, Jr.

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cc: Robert Cannon  
Tim Brennan  
Alison Neplokh  
Henning Schulzrinne  
Matt DelNero