

May XX, 2010

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

Dear Chairman Genachowski,

A free and open broadband platform has transformed the ways Americans, learn, interact, and do business. As legislators committed to expanding access to open, affordable, world-class broadband networks, we have a very strong interest in promoting policies that can support these goals. To that end, we write in strong support of your recent proposal to modernize broadband policy by establishing a sensible, stable and sustainable legal framework under Title II of the Communications Act. This measured approach will ensure that the National Broadband Plan can be implemented in a timely manner and deliver the social and economic opportunities carried by new technology to all Americans.

The recent court decision in *Comcast v. FCC* has undermined the legal basis for broadband policy under Title I of the Communications Act. This jeopardizes widely supported policies to deploy broadband networks to rural, low-income, and disabled Americans. Further, the court's decision rescinded the FCC's authority, under the Title I framework, to protect consumers and promote infrastructure development on the dominant communications network of our time. Clearly, this outcome is not sustainable.

We believe it is prudent for the FCC to pursue this course of action in a manner that is designed and implemented to ensure that broadband innovation remains a powerful engine of economic growth. We note that your proposal solely seeks to provide a light regulatory touch to the physical networks that connect consumers to online products and services, and only apply a limited number of Title II provisions. Additionally, this approach does not seek to regulate the content and applications that make up the consumer experience of the Internet. It is both proper and fitting to have public policies that oversee critical infrastructure to achieve the goals of the nation. The path you have chosen is well-reasoned, appropriate, and consistent with the law.

We look forward to working with you as the FCC brings this issue of jurisdiction to resolution. We may then get to the real work of implementing broadband policy to serve all Americans.

Sincerely,