

October 21, 2009

Dear Member of Congress:

We are writing to express disappointment in your October 15, 2009 letter to Federal Communications Commission Chairman Julius Genachowski raising concern over network neutrality rules, as well as urging restraint in the development of national broadband policy. We know that many members of Congress signed on to that letter have been strong supporters of network neutrality in the past. Therefore, we hope you will consider adding your name to a Dear Colleague letter circulated this week by Representative Jared Polis, which demonstrates strong support for network non-discrimination rules.

As we understand it, the underlying argument in the October 15<sup>th</sup> letter is that the approach of the previous Administration and FCC to leave broadband deployment and adoption primarily up to the private market has contributed to the growth in broadband adoption over the past decade. Please consider evidence to the contrary: the U.S. is far behind other nations when it comes to broadband adoption, ranking 15<sup>th</sup> in the world according to the Organization for Economic Cooperation & Development. Entire rural and Native American communities do not have access to any high-speed broadband providers at any price, and most other communities lack meaningful competition in the broadband market. In 2009, only 46% of African Americans had broadband at home, and only 35% of households with incomes \$20,000 and under had access, compared to the national average of 63% of adult Americans.<sup>1</sup> We believe these statistics are unacceptable, and hope you will see a role for federal policy in speeding the deployment and adoption of high quality, affordable broadband.

The October 15<sup>th</sup> letter further implies that network neutrality rules may dissuade Internet Service Providers from upgrading or deploying high-speed networks. Cable and phone companies that would rather restrict consumer usage to avoid necessary investments in broadband deployment and capacity have often repeated this argument. Put another way, ISPs want to “manage” Internet traffic in a way that forces U.S. consumers to live with networks that fail to meet our growing needs. We would rather see U.S. broadband providers upgrade their networks so there would be no need to throttle bandwidth users in a discriminatory fashion.

We also believe it should be of great concern to Congress and the FCC that cable and phone companies increasingly own both the infrastructure and content delivered over broadband. Without federal rules that keep the Internet an even playing field, there is no question ISPs will look for every opportunity to promote content they have a financial stake in above that of potential competitors. For comparison, it would be unfathomable to allow the U.S. Postal Service to deliver advertisements for

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<sup>1</sup> *Home Broadband Adoption 2009*, Pew Internet & American Life Project, June 17 2009.

FedEx slower than its own promotional mailings. We should not allow cable and phone companies to get in the way of free speech or commerce in the same way.

The Internet we know today treats all content equally, which is what has led to the creation of innovative applications and web-based businesses that have revolutionized the way consumers communicate, engage in commerce and participate in civic society. Allowing cable and phone companies to change the rules on U.S. Internet users could have a chilling effect on the information economy.

We hope you will consider demonstrating strong support for pro-consumer network neutrality rules and public interest broadband policy, and look forward to working with your office in advancing these public interest Internet policies.

Sincerely,

Sean McClaughlin, Access Humboldt, Eureka, CA  
Helen Soule, Alliance for Community Media, Washington, DC  
Charles Benton, Benton Foundation, Washington, DC  
Connie Stewart, California Center for Rural Policy, Arcata, CA  
Lauren Glenn-Davitian, CCTV- Center for Media and Democracy, Burlington, VT  
Alan Bushong, CCTV-Oregon, Salem, OR  
Scott Sanders, Chicago Media Action, Chicago, IL  
Malkia Cyril, Center for Media Justice, Oakland, CA  
Dee Davis, Center for Rural Strategies, Knoxville, TN  
Susan Lerner, Common Cause New York, New York City, NY  
Brad Ashwell, Florida Public Interest Research Group, Tallahassee, FL  
Michelle Reyes, League for Public School Justice, San Antonio, TX  
Amalia Deloney, Main Street Project, Minneapolis, MN  
Tracy Rosenberg, Media Alliance, Oakland, CA  
Todd Wolfson, Media Mobilizing Project, Philadelphia, PA  
Wally Bowen, Mountain Area Information Network, Asheville, NC  
Helen DeMichiel, National Alliance for Media, Arts and Culture, San Francisco, CA  
Barry Kauffman, Pennsylvania Common Cause, Harrisburg, PA  
Jonathan Lawson, Reclaim the Media, Seattle, WA  
Brett Bursey, South Carolina Progressive Network, Columbia, SC  
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