



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

December 13, 2010

Dear Chairman Genachowski:

As the Executive Board of the Council of Scientific Society Presidents ([www.cssp.us](http://www.cssp.us)), we represent over 60 science and engineering federations and societies with more than 1.4 million members. We are deeply concerned that the proposed new rules governing the Open Internet fail to protect adequately the interests of users, application developers and content providers. In particular, we request that the final Open Internet rules include a less ambiguous non-discrimination rule, a ban on access charges, and makes no distinction between wired and wireless Internet services.

**Non-discrimination rule:** The proposal bans discrimination that is “unreasonable” or “unjust” on a case-by-case basis. This lacks the certainty that Internet participants need. Innovators with inadequate resources will be disadvantaged in discrimination complaints. We recommend banning application-specific discrimination (*i.e.* discrimination based on application or class of application), while not prohibiting discrimination that is application-independent.<sup>1</sup> This provides certainty to network providers and application and content developers / investors. It prevents distortion of competition among applications or classes of applications, and allows for certain (but not all) forms of quality of service. **Access fees:** In the past, network providers have repeatedly expressed their desire to charge application and content providers so-called access fees.<sup>2</sup> The current proposal is not explicit on the legality of this practice. The concern is that fees will reduce innovation and limit non-profit content. We ask for a rule that clearly prohibits network providers from charging access fees.

**Wireless service:** The current proposal should expressly extend the same protections afforded wired Internet service to wireless Internet service, which is predicted to become the dominant future technology through which users access the network. Any technological differences – to the extent they exist – can be accounted for when applying the exception for reasonable network management.

Thank you for giving your thoughtful consideration of our requests. We hope that final rules governing Open Internet incorporate these tenets and provide equal protection to the interests of all parties.

Respectfully,

Martin A. Apple, CSSP President

Arthur Bienenstock, Chair, CSSP Executive Board

George B. Corcoran, Chair-Elect, CSSP Executive Board

cc: Commissioner Michael J. Copps; Commissioner Robert M. McDowell  
Commissioner Mignon Clyburn; Commissioner Meredith Attwell Baker

<sup>1</sup> Throughout this letter, we use the term “application” to also encompass “content.”

<sup>2</sup> As we understand the term, access fees are fees that a network provider charges to application and content providers who are not its Internet service customers – either for access to the network provider’s Internet service customers or for enhanced access (e.g. faster transport) to these customers. Access fees are not the same as interconnection charges, so a ban on access fees would not affect interconnection agreements.