

JAY INSLEE
Governor



STATE OF WASHINGTON
Office of the Governor

May 14, 2014

Federal Communications Commission
445 12th Street SW
Washington DC 20554

RE: Protecting and Promoting the Open Internet (GN Docket No. 14-28).

Dear Chairman Wheeler:

The state of Washington supports an open Internet and has benefitted from the 190,000 jobs, 9,000 companies, thousands of innovations and billions in investment that have built our vibrant digital economy. This is a key issue for our state.

I am writing you to request a delay in tomorrow's scheduled vote on a Notice of Proposed Rulemaking ("NPRM") concerning potential regulations of the Internet in light of United States Court of Appeals for the District of Columbia Circuit's recent decision in *Verizon v. FCC*.¹ Recent reports indicate that one aspect of your draft rules (Chairman's proposal) to be included in the NPRM is the prospect of a so-called "fast lane" in which larger providers would be able to charge other entities for preferential handling of their internet traffic, subject to certain conditions to be imposed by the Commission. I have strong concerns about such an approach and urge you to delay the vote until after the Chairman's proposal is subjected to a more open examination and comment process before being formalized in an NPRM.

While I share your conviction that the Internet has become a fundamental instrument in addressing the needs of our nation's economy, educational, scientific and social condition, I also believe that you must establish non-discriminatory and well-founded rules to preserve an open Internet. The Internet has become an economic engine generating millions of new jobs while providing even the smallest businesses in the United States enhanced access to a global marketplace. I have long contended that it should be the policy of this country – and of the companies that do business here – that Internet service providers should have certain duties to their customers, including:

- Not to block, interfere with, discriminate against, impair, or degrade the ability of any person to use an Internet access service to access, use, send, post, receive, or offer any lawful content, application, or service through the Internet;
- Not to impose a charge on any Internet content, service, or application provider to enable any lawful Internet content, application, or service to be offered, provided, or used through the



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provider's service, beyond the end user charges associated with providing the service to such provider;

- Not to provide or sell to any content, application, or service provider, including any affiliate provider or joint venture, any offering that prioritizes traffic over that of other such providers on an Internet access service; and
- Not to install or utilize network features, functions, or capabilities that impede or hinder the duties described above.

I believe the Commission's rules should protect users and Internet companies on both fixed and mobile platforms against blocking, discrimination, and paid prioritization, and should make the market for Internet services more transparent. The rules should provide certainty to all market participants and keep the costs of regulation low. Such rules are essential for the future of the Internet. However, in light of these concerns, which are shared by many, and because elements of the Chairman's proposal have not been fully aired for all interested parties to have a reasonable chance to comment, I respectfully ask that you delay voting on the proposal until all parties have had a better opportunity to present their views.

Respectfully submitted this 14th day of May, 2014.



Jay Inslee
Governor

cc: Commissioner Clyburn
Commissioner Rosenworcel
Commissioner Pai
Commissioner O'Rielly
Members of the Washington State Congressional Delegation