

March 29, 2006

The Honorable Joe Barton  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable John D. Dingell  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Barton and Ranking Member Dingell:

On March 6, 2006, I wrote to you on behalf of the Association of American Universities, American Council on Education, National Association of State Universities and Land-Grant Colleges, EDUCAUSE, and Internet2 to ask you to include a strong provision preserving “net neutrality” in legislation you develop to update the nation’s telecommunications policy. Now that the Committee has released a new draft of this legislation (dated March 27, 2006), I am writing again to urge you to include a strong “net neutrality” provision and to incorporate additional provisions that will promote universal access to broadband services.

As we stated earlier, the power of the Internet to support innovation and economic growth and to promote new forms of communication and social services depends on its open architecture. Net neutrality is extremely important for colleges and universities as they develop new ways to deliver multimedia instructional materials to students, including students off campus and in rural areas. University research laboratories are developing next-generation Internet technologies that will drive the Internet economy; these technologies will require an open and accessible Internet to develop and flourish.

While we are pleased that the latest draft legislation includes a provision addressing the net neutrality concept, we do not believe that the provision as drafted will accomplish the goal of a robust net neutrality mechanism necessary to sustain continued innovation. The draft bill essentially codifies four imprecise principles issued by the Federal Communications Commission (FCC). These principles do not require the operators of broadband networks to maintain an open platform. For instance, the principles do not ban discrimination. As a result, they do not prohibit network operators from giving preferential treatment to their own Internet services over the services provided by universities and others. We urge you to amend the draft legislation to add an explicit statement that the network operators must act in a non-discriminatory manner when carrying Internet traffic.

Finally, we would like to reiterate our support for a national policy that promotes universal access to high-quality, low cost broadband services to all Americans. Last year, the Higher Education community adopted five principles to guide Congress as it considers reforming our telecommunications laws. One of these principles is:

- The United States should adopt as a national goal a broadband Internet that is secure, affordable, and available to all, supporting two-way, gigabit-per-second speeds and beyond.

We thus urge you to adopt policies that promote the widespread availability of high-speed broadband networks to all Americans, including urban and rural and high- and low-income, in order to assure that broadband Internet platforms continue to remain open and available to all users in a non-discriminatory fashion.

Thank you for your consideration of our views.

Sincerely,

Nils Hasselmo

President

Cc: Members of Committee on Energy and Commerce