Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Preserving the Open Internet	)	**GN Docket No. 09-191**
	)	
Broadband Industry Practices	)	**WC Docket No. 07-52**

Comments

The Alliance for Telecommunications Industry Solutions (ATIS) hereby submits these comments in response to the Federal Communications Commission's (Commission) *Notice of Proposed Rulemaking* (*NPRM*)*,* released October 22, 2009, in the above-referenced dockets. In the *NPRM*, the Commission seeks comment on proposed rules, which it claims may be necessary to safeguard the openness of the internet. ATIS agrees that broadband networks and services are critical to today's consumers, network, content and Internet service providers and the U.S. and global economy. While ATIS takes no position on the need to adopt specific net neutrality rules, ATIS supports the Commission's recognition that its internet policies should be subject to reasonable network management and urges the Commission to continue to allow the industry to establish appropriate management techniques to meet evolving consumer needs. ATIS also recommends that the Commission not impose new regulatory mandates on managed services such as IPTV.

I. Background

ATIS is a global standards development and technical planning organization that leads, develops and promotes worldwide technical and operations standards for information and communications technologies (ICT). ATIS' membership is diverse and includes all stakeholders from the ICT industry – wireline and wireless service providers, equipment manufacturers, competitive local exchange carriers, providers of commercial mobile radio services, broadband providers, software developers, consumer electronics companies, digital rights management companies, and internet service providers.

Nearly 600 industry subject matter experts from more than 250 ICT companies work collaboratively in ATIS'18 open industry committees, which focus on a broad range of priorities, including network architectures and platforms, the ordering and billing of services, E-9-1-1, cyber security, the reliability and interoperability of current and next generation technologies, the seamless delivery of converged wireline and wireless services such as IPTV over multimedia platforms, and the networks of the future.

II. Reasonable Network Management Must Be Allowed to Continue

In the *NPRM*, the FCC proposes to amend, append to and codify its previously-established Internet policy principles. The FCC proposes to codify six rules for Internet governance:

1. *Subject to reasonable network management, a provider of broadband Internet access service may not prevent any of its users from sending or receiving the lawful content of the user's choice over the Internet.*

2. *Subject to reasonable network management, a provider of broadband Internet access service may not prevent any of its users from running the lawful applications or using the lawful services of the user's choice.*

3. *Subject to reasonable network management, a provider of broadband Internet access service may not prevent any of its users from connecting to and using on its network the user's choice of lawful devices that do not harm the network.*

4. *Subject to reasonable network management, a provider of broadband Internet access service may not deprive any of its users of the user's entitlement to competition among network providers, application providers, service providers, and content providers.*

5. *Subject to reasonable network management, a provider of broadband Internet access service must treat lawful content, applications, and services in a nondiscriminatory manner.*

6. *Subject to reasonable network management, a provider of broadband Internet access service must disclose such information concerning network management and other practices as is reasonably required for users and content, application, and service providers to enjoy the protections specified in this part.*[1]

The FCC notes that each of these six principles would be subject to reasonable network management and would not supersede public safety obligations of broadband internet service providers.

While ATIS does not take a position with regard to the desirability of codifying the six principles, ATIS fully supports the Commission's recognition that any principles should accommodate the reasonable needs of providers' to manage their networks. Network management tools are necessary to the provision of reliable, secure and high quality broadband services to consumers. Network management ensures that the communications systems can operate effectively and interoperate seamlessly by allowing operators to expeditiously identify and resolve problems, including those related to traffic congestion.

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[1] *See NPRM* at ¶¶92, 104, 119.

ATIS notes much of its technical work is devoted to similar technical issues, including a substantial work program focused on the management of communications networks. For instance, the ATIS Next Generation Interconnection Interoperability Forum (NGIIF) addresses matters related to the installation, maintenance, management, and testing guidelines for interconnected telecommunications and signaling networks, including local exchange routing processes and processes related to the convergence of existing and Next Generation Network (NGN) IP technologies and services. The ATIS Telecom Management and Operations Committee (TMOC) works on network management issues such as configuration management, performance management, fault management, security management, and accounting management. Network management is also a prime focus of the ATIS Network Performance, Reliability, and Quality of Service Committee (PRQC), which develops standards related to the performance, reliability and associated security aspects of communications networks. Finally, the ATIS Packet Technologies and Systems Committee (PTSC) and Wireless Technologies and Systems Committee (WTSC) focus on significant issues related to the management of broadband wireline and wireless networks.

Based on ATIS' experience with network management, ATIS strongly believes that available management tools should not be unduly constrained by regulatory mandates. Instead, the industry should be permitted to continue to develop effective and equitable network management tools through organizations such as ATIS. Industry-led efforts are the only way that effective management tools can be developed to meet the complex and continually evolving needs of consumers. The development of management tools by industry subject matter experts is also key to accomplishing the Commission's

laudable goal of ensuring that its decision "reflect a thorough understanding of current technology and future technological trends."[2] Industry subject matter experts are in the best position to understand and plan for the future technological evolution of the network. Unnecessary restrictions on network management could hamper that evolution and frustrate the development and deployment of new network services. While each network operator may have unique network management issues that require specific solutions, the network management tools developed within industry standards-setting bodies, such as ATIS, should be viewed with a presumption of reasonableness.

III. New Regulatory Mandates Should Not be Imposed on Managed Services Such as IPTV

ATIS notes that the Commission seeks comment on a new category of "managed" or "specialized" services, including what policies should apply to these services.[3] ATIS recommends that the Commission not impose new regulatory mandates on managed services, including IPTV. New regulations could stifle innovation in these nascent markets and prevent the wide scale deployment of new services to consumers.

Instead, ATIS urges the Commission to support the collaborative, consensus-based and industry-driven development of these services through groups such as the ATIS IPTV Interoperability Forum (IIF), which develops standards and facilitates related technical activities that enable the interoperability, interconnection, and implementation of IPTV systems and services. The IIF has developed and is continuing to actively work significant technical issues related to the development of IPTV. ATIS urges the

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[2] *NPRM* at ¶177.
[3] *NPRM* at ¶¶148-153.

Commission not to disrupt the industry's work on this matter by establishing new and unnecessary regulations on IPTV services.

IV. Conclusion

ATIS supports the Commission's recommendation that any policies to preserve the openness of the internet should be subject to reasonable network management and urges the Commission to continue to allow the industry to modify, enhance and tailor management tools to meet the evolving needs of consumers. ATIS also cautions against imposing new regulatory mandates on managed services such as IPTV.

Respectfully submitted,

By: _____

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Dated: January 14, 2010