Before the
Federal Communications Commission
Washington, DC 20554

Comment on Petition for Declaratory Ruling Regarding Internet Management Policies—and-
Comment on Petition for Rulemaking to Establish Rules Governing Network Management Practices by Broadband Network Operators

WC Docket No. 07-52

COMMENTS OF THE AMERICAN LIBRARY ASSOCIATION

The American Library Association (ALA), the voice of America's libraries, is the oldest, largest and most influential library association in the world. Its approximately 65,000 members are primarily librarians but also trustees, publishers and other library supporters. The association represents all types of libraries; its mission is to promote the highest quality library and information services and public access to information.

Open access to the ever-increasing information on the Internet is critical to supporting lifelong learning, maintaining a skilled workforce, enhancing economic development, and offering a venue for the open exchange of ideas, thoughts and opinions. Our libraries are natural and obvious institutions to provide this access. Over 99% of the nation’s public libraries provide access to the Internet for their staff and users. And our libraries have benefited enormously from an open Internet, free of discriminatory practices that could stifle the free and open exchange of information and ideas. There are a host of factors that affect a library’s ability to provide acceptable Internet service, including having a sufficient number of workstations and adequate bandwidth. But other factors are of equal importance, including ensuring that library users have access to the legal content of their choice and that such access is not blocked or inhibited by any third party.

In June 2007, the American Library Association filed comments with the Commission In the Matter of Broadband Industry Practices. Recent actions that resulted in the FCC petitions released on January 14, 2008 clearly indicate that our concerns of June 2007 are still completely valid. In consideration of this fact, we make the following comments.

• ALA supports the FCC’s policy statement *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*. But the association believes there is a need to add language related to nondiscrimination (see our June comments on this specific issue).

• Allowing broadband transmission providers or Internet service providers to pick and choose which applications or content they will allow to pass through their networks is antithetical to the openness and level playing field upon which the Internet has thrived.

• Reasonable network management is essential to preserve the viability of the Internet. Yet, the actions of Comcast, which appear to have some validity, go way beyond any definition of “reasonable network management.” And we say to those who claim that possible FCC nondiscrimination regulations would inhibit proper network management, we do not recall hearing such arguments when the telecommunication networks were subject to strong nondiscrimination language found in Title II. As we stated in our June filing, “ALA is very concerned that any legitimate network management will quickly lead to unacceptable packet discrimination of content not offered or controlled by the Internet provider or any associated network provider.” The actions of Comcast have justified this concern.

• Megabyte downloads of multimedia presentations will only increase in the Web 2.0 environment, and peer-to-peer technology is a popular and efficient way to transfer such large files. Discrimination against such traffic stifles the very type of innovation that is a hallmark of the Internet’s success.

• Libraries are content providers and the ALA has a direct, vested interest in ensuring that this content is not subject to discriminatory practices. For example, more than 35 state libraries provide their states' residents with access to thousands of online magazines, newspapers and other reference resources. And individual libraries also offer substantial content to their patrons. The San Francisco Public Library has digitized a collection of over 250,000 historical photographs and access to over 10,000 popular songs from the Dorothy Starr Sheet Music Collection are available via the library’s Website.

• There are those who say that the way to address discrimination is to change providers. However, ALA is very concerned that the actions of Comcast will be an open invitation for other providers likewise to discriminate against any content or applications for whatever reason, thus making any change of providers a futile exercise in discrimination avoidance.

• One of the reasons Chairman Martin cited for supporting media consolidation is that the Internet offers consumers another outlet to receive news and become better informed on issues of the day from a wide variety of sources. While certainly true, this is another reason for the Commission to take any action needed to ensure an open Internet is not subject to any limitations or discrimination.

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5 ALA Comments, p.3.

In conclusion, the American Library Association supports commonsense action by the Commission to preserve open, nondiscriminatory access to the Internet for both creators and providers of content. Libraries, and indeed all consumers, need to be assured that they will be able to access legitimate Internet content or use Internet services or applications without fear or concerns that such access or use will be blocked or degraded by any entity with the means and control to do so.

Thank you for listening to our concerns.

Respectfully submitted,

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