

November 8, 2005

The Honorable Joe Barton  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable John D. Dingell  
Ranking Member  
Committee on Energy & Commerce  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Barton, Ranking Member Dingell and Members of the Committee:

We commend the Committee's attention to the important US public policy goal of broadband deployment and adoption and your work in crafting a national broadband policy framework to support that goal. As the Internet's leading content and e-commerce companies, we share that goal. We also share an enduring commitment to our users, and will work to ensure that they continue to benefit from the greatest possible opportunities created by broadband's high-speed data, video, and voice capabilities.

"Net Neutrality" is crucial to this goal, and without it, the fundamental dynamic of the Internet will be turned on its head. The Internet is clearly not broken, and does not need to be fixed. But the architecture principles that have been the foundation of its remarkable success need to be maintained and protected for the future.

The policy of Net Neutrality has been fundamental to the growth of the Internet, allowing innovation – including the World Wide Web – to occur at the edges of the network, free from the central control of the network operator. Indeed, the FCC recognized this in its August 2005 policy statement, and voted just last week to apply these principles as an enforceable condition for two years for both the SBC/AT&T and Verizon/MCI mergers.

But those companies reach just a fraction of the broadband users in America. Consequently, we urge you to adopt this policy comprehensively for all broadband Internet providers. The incredible potential of broadband will be severely compromised if network operators are permitted to be the gatekeepers of the Internet, deciding what content, applications and services succeed or fail on the Internet. Indeed, users must be free to use broadband connections as they so choose; to read, search, buy, assemble and innovate. That is the very essence of the Internet.

We are concerned that the Staff Discussion Draft now before the Committee, although it contains a section on Network Neutrality, does not achieve the necessary goals. Instead, it fundamentally changes the Internet because it fails to adequately protect consumers' ability to use their broadband connection to reach the content and services they want. Most importantly, Network Neutrality should apply to all persons who provide Internet content – not just a select few – but the Draft currently exempts broadband video services from this core requirement. In addition, the provisions of the net neutrality section are troublingly ambiguous, and inject uncertainty for those companies like ours which are spending billions of dollars investing in broadband content and services.

To ensure that consumers in the marketplace, and not network operators, decide what content succeeds or fails on the Internet, the Committee should adopt enforceable protections against interference by network operators, and these protections should apply to all broadband Internet providers. We look forward to working with you and members of the Committee to achieve this goal.

Sincerely,

/s/

Paul Misener  
Vice President  
Global Public Policy  
Amazon.com

Brian Bieron  
Senior Director  
Government Affairs  
eBay

Alan Davidson  
Washington Policy Counsel  
Google

Brent Thompson  
Vice President  
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IAC/Interactive Corp.

cc: Members of the Committee on Energy and Commerce