

February 21, 2024

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

**Re: WC Docket No. 23-320, *Safeguarding and Securing the Open Internet*
WC Docket No. 21-476, *Future of the Universal Service Fund***

Dear Ms. Dortch:

On Friday, February 16, 2024, Craig Aaron and I met with Chairwoman Jessica Rosenworcel, and with Ramesh Nagarajan, her Chief Legal Advisor, to discuss the same three topics described in my prior *ex parte* notification¹ filed on Tuesday, February 13, 2024.

We reiterated that ISPs' financial data and statements to their shareholders demonstrate conclusively that the FCC's classification of broadband has no impact on deployment or investment. We explained the propriety of a Title II classification for modern broadband internet access service. And we stressed the need for any FCC order to preserve the 2015 *Open Internet Order* framework by preventing ISPs from evading any "bright-line" rules.

On the topic of the Affordable Connectivity Program and the future of the Universal Service Fund, we commended the Chairwoman for her public comments on the need for Congress to renew ACP funding. We also expressed our agreement with her analysis of the repercussions of adding broadband to the contribution base and potentially adding ACP to USF.²

Respectfully submitted,

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Vice President of Policy
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¹ See Letter to Marlene H. Dortch, Secretary, Federal Communications Commission, from Matthew F. Wood, Free Press, *In the Matter of Safeguarding and Securing the Open Internet*, WC Docket No. 23-320 (filed Feb. 13, 2024), <https://www.fcc.gov/ecfs/document/1021303067014/1>.

² See Letter the Hon. Ben Ray Luján, United States Senate, from Chairwoman Jessica Rosenworcel, Federal Communications Commission, at 3 (Jan. 12, 2024), <https://docs.fcc.gov/public/attachments/DOC-400113A1.pdf> (explaining that "[i]f the Affordable Connectivity Program were rolled into the USF, it would significantly increase the size of the USF, resulting in an approximately \$9.00 USF increase on monthly broadband and telephone bills").