



**NEW AMERICA**  
FOUNDATION

To: Susan Crawford, Kevin Werbach  
Obama FCC Transition Team  
From: Sascha Meinrath, Michael Calabrese  
Wireless Future Program & Open Technology Initiative  
Date: December 16, 2008  
Re: **Network Neutrality Recommendations for the Federal Communication Commission**

The Wireless Future Program and the Open Technology Initiative at the New America Foundation, a nonpartisan think tank based in Washington D.C. and California, recommends the following proposals to support and protect an open Internet:

1. Issue an NPRM to adopt the four Internet policy principles as a rule and clarify that they include the broad non-discrimination mandates.
2. Clarify that the Internet policy principles apply to all TCP/IP services, their derivatives, and functional replacements (including wireless broadband and information services).
3. Mandate “platform neutrality” by ensuring that foreign attachments must be allowed on all data communications networks regardless of the transport medium (e.g., wireline, wireless). A starting point would be to extend *Carterfone* consumer protection rules to CMRS.
4. Set criteria to ensure that “reasonable” network management practices are not utilized as a work-around for needed infrastructure upgrades (i.e., ensure that network capacity is adequate for demand).
5. Establish a joint initiative with the FTC to investigate how CMRS common carriers leverage market power to restrict competition and consumer choice in adjacent markets for devices, applications, and content.
6. Recommend that Congress end FTC exclusion on common carrier consumer protection.

Long-term Goals for an Open Internet:

1. Requires common carriage
2. Supports open architecture and open source driver development
3. Maintains open protocols and open standards
4. Facilitates an end-to-end architecture (i.e., is based upon a “dumb network”)
5. Safeguards privacy (e.g., no back doors, deep packet inspection, etc.)
6. Fosters application-neutrality
7. Mandates low-latency and first-in/first-out (i.e., requires adequate capacity)
8. Ensures interoperability
9. Remains business-model neutral.
10. Is governed by its users (i.e., is internationally representative and non-Amerocentric)

For a full discussion of these open Internet criteria see: Sascha D. Meinrath & Victor W. Pickard (December, 2008), “Transcending Net Neutrality: Ten Steps Toward an Open Internet.” *Journal of Internet Law*, Volume 12(6). Aspen Publishers.