



PUBLIC NOTICE

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**Notice of Prohibited Presentations in the Matter of Protecting
and Promoting the Open Internet
(GN Docket No. 14-28)**

Notice is hereby given that the Commission received prohibited written presentations in the above-referenced proceeding between February 20, 2015, and March 12, 2015 (the “Sunshine Agenda period”). The presentations are listed in the Appendix.

With specified exceptions not applicable here, section 1.1203 of the Commission’s rules, 47 C.F.R. § 1.1203, prohibits the making of any presentation, whether ex parte or not, to decision-making personnel concerning any matter listed on the Commission’s Sunshine Agenda from the day after the Sunshine Agenda is released until the Commission releases the text of a decision or order relating to that matter or removes the item from the Sunshine Agenda. The instant presentations addressed the merits of a matter that was included in the Commission’s Sunshine Agenda by a Public Notice released on February 19, 2015, for consideration at the February 26, 2015 open Commission meeting. The Commission released a Report and Order on Remand, Declaratory Ruling, and Order relating to this matter on March 12, 2015 (FCC 15-24).

Under section 1.1212(d) of the Commission’s rules, 47 C.F.R. § 1.1212(d), presentations that are received during the Sunshine Agenda period and do not meet an exception provided by section 1.1204(a) of the Commission’s rules, 47 C.F.R. § 1.1204(a), or a Commission waiver shall be associated with, but not made a part of, the record in the relevant proceedings. In accordance with the rule, the presentations listed in the Appendix will be associated with, but not made part of the record in the above-referenced proceeding.

The full texts of these presentations are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. Copies of this presentation may also be purchased from the Commission’s copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 1-800-378-3160, website www.bcpiweb.com. These filings may also be viewed in the Commission’s Electronic Comment Filing System (ECFS) at http://apps.fcc.gov/ecfs/comment_search_solr/search.

In addition to the above referenced presentations, the Commission received numerous communications from individual members of the public regarding this proceeding during the Sunshine Agenda period, some of which were filed in ECFS. These communications were

informal in nature and were similar to those received during prior e-mail and voicemail campaigns reported previously by Commission staff in the docket of this proceeding. *See* Letter from Michael J. Jacobs, Legal Advisor to the Chief, Wireline Competition Bureau – Federal Communications Commission, to Marlene H. Dortch, Secretary, Federal Communications Commission, GN Docket 14-28 (filed Feb. 5, 2015).

Section 1.1200 of the Commission’s rules, 47 C.F.R. § 1.1200, provides that where the public interest so requires in a particular proceeding, the Commission and its staff retain the discretion to modify the applicable ex parte rules by public notice. To the extent these informal communications, which were received during the Sunshine Agenda period, could be considered presentations within the definition of the ex parte rules, the Commission staff hereby modify the requirement that they be associated with the official record. 47 C.F.R. § 1.1212(d). *See also* 47 C.F.R. § 1.1212(f) (discretion regarding whether to make Sunshine Agenda period presentations available for public inspection). We have determined that the public interest would not be served by enumerating every such informal communication. In addition to the time and resources required to make these communications accessible, some of the communications include sensitive personal information. Any such information would need to be removed before the communications could be made public. To the extent the requirement applies, we find there would be limited benefit to the public in terms of openness and transparency, particularly given that the communications would be merely associated with, and not part of, the official record. Therefore, these informal communications are not listed in the Appendix and, absent those already filed in ECFS, are not available for public inspection.

Action by Office of General Counsel, Administrative Law Division

APPENDIX

Name of Filer	Date Received
New Networks Institute	2/24/15
Consumer Federation of America	2/25/15
Protect Internet Freedom ¹	2/25/15
Consumer Federation of America	2/27/15
Juan Roldan	2/27/15

¹ The Commission has made available the one-page petition filed by Protect Internet Freedom (without the names of signatories). *See* Letter from Ryan Yates, Attorney Advisor, Federal Communications Commission, to Marlene H. Dortch, Secretary, Federal Communications Commission (filed in ECFS Mar. 16, 2015).