

March 26, 2024

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

Re: Notice of *Ex Parte* Meeting, Safeguarding and Securing the Open Internet, Docket No. 23-320

Dear Ms. Dortch:

On March 22, John Bergmayer (Public Knowledge), Michael Calabrese (Open Technology Institute at New America), Professor Scott Jordan and Professor Barbara van Schewick met by video conference with Ramesh Nagarajan, Chairwoman Rosenworcel's Chief Legal Advisor, and Elizabeth Cuttner, Chairwoman Rosenworcel's Legal Advisor, Wireline and Enforcement, regarding the proceeding referenced above. Professor Jordan and Professor van Schewick participated in the meeting in their personal capacity.

At the meeting, we discussed our joint Written Ex Parte on the regulatory framework for non-BIAS data services that we filed in this docket.¹

Consistent with the Written Ex Parte, we asked the Commission to clarify:

1. how technologies such as network slicing may be used to provide innovative offers as part of BIAS that are consistent with the open Internet rules, and
2. under what conditions non-BIAS data services may be provided.

This would ensure that BIAS providers can use technologies such as network slicing to provide innovative services that benefit consumers – but without harming innovation, competition, and user choice or breaking the virtuous cycle.

I attach the slides we used in our presentation.

¹ Written Ex Parte of Open Technology Institute at New America, Public Knowledge, Professor Barbara van Schewick and Professor Scott Jordan, filed March 11, 2024, available at <https://www.fcc.gov/ecfs/document/103120890811342/1>.

In this meeting, Professor Jordan and Professor van Schewick represented no one but themselves and did not speak on behalf of their employer or any other party.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Barbara van Schewick". The signature is written in a cursive, flowing style.

Barbara van Schewick
M. Elizabeth Magill Professor of Law and Professor, by Courtesy, of Electrical
Engineering
Director, Stanford Law School Center for Internet and Society

cc:

Ramesh Nagarajan
Elizabeth Cuttner