

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

|   |   |                      |
|---|---|----------------------|
| In the Matter of                              | ) |                      |
|   | ) | GN Docket No. 09-191 |
| Notice of Proposed Rulemaking                 | ) |                      |
|   | ) | WC Docket No. 07-52  |
| In the Matter of Preserving the Open Internet | ) |                      |
|   | ) |                      |
| Further Inquiry Into Two                      | ) |                      |
| Under-Developed Issues in the                 | ) |                      |
| Open Internet Proceeding                      | ) |                      |
|   | ) |                      |

**COMMENTS OF MOZILLA**

Mozilla submits these comments in response to the Commission’s September 1, 2010 Public Notice, regarding further inquiry in the above captioned proceedings on the subject of two under-developed issues in the Open Internet Proceeding.

Mozilla is a global community of people working together since 1998 to build a better Internet. As a non-profit organization, we are dedicated to promoting openness, innovation, and opportunity online. Mozilla and its contributors make technologies for users and developers, including the Firefox web browser used by more than 400 million people worldwide. As a core principle, we believe that the Internet, as the most significant social and technological development of our time, is a precious public resource that must be improved and protected. Accordingly we applaud the FCC in seeking to codify the open Internet principles, and more specifically for continuing to gather feedback and comments from all stakeholders including users and developers whose voices are often not represented.

The Commission’s September 1 inquiry sought input on two questions. The comments herein are directed to the second part of the inquiry regarding the applicability of the open Internet principles to wireless.

## Application of Open Internet Principles to Wireless

The net neutrality principles the Commission has proposed should apply equally to wireless just as they do to wireline communications. There is, and should be, only one Internet. Historically, the Internet has not distinguished between various forms of content or how users access such content. This non-discrimination has allowed consumers and software developers to choose between locations, platforms, and devices, all without complex negotiations with transport networks. This freedom has been a key reason why the Internet is so creative, competitive, and consumer-friendly.

Internet users now benefit from this flexibility as they access the Internet across a wide range of devices and access points including 3/4G, WiFi, and wired networks. The wave of new Internet enabled mobile devices, such as the iPhone, iPad, and a broad range of smartphones, including Blackberry, Palm, and Android-based devices, will continue to drive exponential increases in mobile Internet access.

The central fact is that wireless Internet access is as important as wired Internet access. The following market indicators make this abundantly clear:

- Recent studies by Gartner forecast that the total number of smartphones will exceed the total number of PCs within two years.<sup>1</sup>
- On a global basis, more than 1/3 of all Internet access is mobile.<sup>2</sup>
- In the U.S., more than 43% of U.S. mobile users accessed the Internet using their mobile devices.<sup>3</sup>

---

<sup>1</sup> "Gartner Highlights Key Predictions for IT Organizations and Users in 2010 and Beyond" (Jan. 13, 2010), <http://www.gartner.com/it/page.jsp?id=1278413>.

<sup>2</sup> Mary Meeker, Scott Devitt, & Liang Wu, "Internet Trends" (Apr. 12, 2010), [http://www.morganstanley.com/institutional/techresearch/pdfs/Internet\\_Trends\\_041210.pdf](http://www.morganstanley.com/institutional/techresearch/pdfs/Internet_Trends_041210.pdf).

<sup>3</sup> "comScore Releases First Comparative Report on Mobile Usage in Japan, United States and Europe" (Oct. 7, 2010), <http://ir.comscore.com/releasedetail.cfm?releaseid=516012>.

- In the twelve month period ending in February 2010 access to mobile web sites grew 600%.<sup>4</sup>

The increasing importance of mobile networks is not the only reason policy should be network agnostic. Users should not have a significantly different experience as they move back and forth between connection types, and they should not have to be aware that one regulatory regime (applicable to wired and WiFi access) protects their ability to access content of their choosing, while another regime (for mobile wireless) does not. At the end of the day, users are not deciding to access a “wired platform” and then a “wireless platform” – they are simply deciding to access the Internet, and their access to content should not depend on how they happen to connect at any given moment.

Given the undisputed importance and growth of wireless Internet access, the value created by keeping all Internet access open and neutral, and user expectations of a single Internet, it is imperative that the Commission protect the entire Internet, not just the wireline portion. The best way to do this is to extend the open Internet principles to wireless providers and protect the Internet, not the network.

Respectfully Submitted,

**Mozilla**

/s/ Harvey Anderson

Harvey Anderson,  
Vice President and General  
Counsel

Mozilla  
650 Castro St., Suite 300  
Mountain View, CA 94041  
(650) 903-0800

---

<sup>4</sup> Vanessa Daly, “Smartphone market drives 600% growth in mobile web usage” (Feb. 16, 2010), <http://news.bango.com/2010/02/16/600-percent-growth-in-mobile-web-usage/>.