

**Before the
Federal Communications Commission**

In the Matter of

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**Protecting and Promoting
the Open Internet**

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GN Docket 14-28

**Reply Comments of Peer 2 Peer University
& The School of Open**

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Delia Browne
Chair of Board
PEER 2 PEER UNIVERSITY, INC
110 Capp St., Suite 300
San Francisco, CA 94103
info@p2pu.org

Executive Summary¹

The Peer 2 Peer University (P2PU) and the School of Open leverage the Internet and open educational resources (OER) to create an innovative, peer-based learning model that anyone in the world can use, with or without an institution. The FCC's proposal would undercut the efforts of P2PU and related organizations by relegating them to the "slow lane" on the Internet, discouraging millions of would-be learners from pursuing further education to improve their careers and local economies. Research conducted on these learning models would also be hampered, slowing progress and the growth of services that depend on efficient access to resources.

We therefore agree with the comments of the startup community, investors, nonprofits, and millions of Americans calling for rules against unreasonable discrimination and access fees under Title II, and we disagree with the comments by AT&T, Verizon, Comcast in favor of the Chairman's fast-lane proposal.

I. Peer 2 Peer University (P2PU) brings people together to teach, learn, and research through Open Educational Resources (OER)

Since its launch in 2009, P2PU has reached over 100,000 users and partnered with institutions such as MIT MediaLab, University of Irvine, the National Copyright Unit of Australia, Keio University, and CERN to develop OER-based online courses and conduct research on OER.

The educators, learners, and researchers that connect with each other through P2PU have done so thanks to an Internet that does not privilege commercial companies over P2PU and the millions of websites that host the open educational resources P2PU's foundation rests upon. OER make possible universal access to education for everyone, regardless of how old they are, where they live, or how much they can afford to spend. Under the FCC's current proposal, OER's growing impact and potential would be undercut, stifling access and innovation while directing learners to traditional businesses whose resources they could not afford to use.

¹This submission was prepared by volunteer members of the P2PU and School of Open community, Jane Park and Lila Bailey. We thank them both for their hard work.

I.a. School of Open empowers global communities to solve local problems through the use of Open Educational Resources (OER)

School of Open, a major project spearheaded by P2PU and Creative Commons, takes the innovative, peer learning model further to engender real change in local communities through online courses and training programs. Through the use of the Internet and OER, learners of the School tackle real world problems, such as: lack of running water in rural high schools, lack of access to science education for rural elementary students, and lack of copyright knowledge for teachers and librarians. The FCC's proposal would greatly reduce the impact of School of Open programs, in many cases making even initial access to develop the programs themselves impossible.

II. Founded and run by volunteers worldwide, neither P2PU or School of Open could have become a reality under the Chairman's proposal

P2PU and School of Open are community-driven efforts; we subsist on very little money and a lot of human resources that are contributed by volunteers around the world. Had the FCC's proposal been in effect in 2009, P2PU would have failed at conception, its first volunteers frustrated by slow access to the resources they were using to develop their courses. P2PU would not have been able to secure even the small amount of seed funding that allowed volunteers to meet face-to-face once a year, meetings that resulted in a five-year growth spurt and resulted in the School of Open (along with other Schools for web development, data learning, mathematics, and professional development for educators). Money for such a small, risky venture would not have made sense to any funder, no matter how small the amount, since success of the initiative depended on fast Internet access to the resources P2PU would be built upon.

III. Legally free and open education is at risk if the FCC's proposal goes through, disadvantaging current and future generations

Not only are initiatives like P2PU and School of Open in danger of extinction, but all initiatives, organizations, institutions and even government-related websites that host open educational resources are at risk of being relegated to the "slow lane" of the Internet, virtually obviating their usefulness as freely accessible resources. For example, the U.S. Department of Labor's \$2 billion OER Trade Adjustment Assistance Community College and Career Training (TAACCCT) grant program, which

provides community colleges and other eligible institutions of higher education with funds to expand and improve their ability to deliver education and career training programs that can be completed in two years or less, will be far less useful to the adults looking to advance their careers if they cannot find or access the resources they need in order to obtain certification in the high growth industry sectors of manufacturing, energy, and information technology.

Nonprofits are not the only ones to be affected by the FCC's proposal. Startups and other commercial ventures built around the existence of free and open resources online will be at a disadvantage from the get-go, since the resources they are building their business model around will not be as easy to access. This will discourage innovation in education, innovations that have sprung exemplary and impactful new models such as the Khan Academy, MOOCs, and enabled universities and schools to supplement tight budgets with OER.

IV. Volunteers can't afford lawyers to fight discrimination

The right to sue broadband providers under the "commercial reasonableness" standard is not a right if it can only be exercised through the hiring and expense of lawyers that cannot be afforded by a nonprofit such as P2PU, School of Open, or its many volunteers. Our community already sacrifices personal and professional time to make free education opportunities possible; it would be unreasonable to ask them to also partake in legal action, much less provide money for that action. This is the same with many other education nonprofits and communities. We are educators, learners, and researchers -- not lawyers. We do not have the legal or monetary capacity, or even mental bandwidth, to police every action by broadband giants.

What we need instead is a neutral Internet that does not privilege one category of web citizens over another, or one category of organizations over another, based on how much they can pay for access. Education was declared a universal right by UNESCO in 1948; all education online, whether nonprofit or for profit, should be accessible at equal speeds for everyone.

The FCC should reclassify access to the Internet as a common carrier service and forbid unreasonable technical discrimination, define pay-for-play deals as inherently unjust and unreasonable, define access fees as inherently unreasonable charges, and apply these rules to both mobile and fixed platforms. We encourage the FCC to stand not with the largest, oldest companies but to stand with the little guys you

are supposed to protect--the teachers, the students, their parents, the nonprofits, the entrepreneurs, and all users of the network including our global network of volunteers who have formed this community to make learning materials available around the world.

Respectfully submitted,

/s/ Delia Browne

Delia Browne

Chair of Board, P2PU