



More recently, FTC staff filed a comment to the FCC detailing our expertise in this area and recommending that the FCC reclassify broadband as a Title I, non-common carrier service.<sup>3</sup>

I agree with that recommendation and filed my own comment to that effect.<sup>4</sup>

As the 2007 report and subsequent comments state, the FTC's antitrust and consumer protection tools help ensure that consumers can pursue their preferences in the marketplace, whether for prioritized services or for equal treatment of all data by ISPs.

The FTC has addressed a wide range of anticompetitive behavior, including the kinds of behavior that concern net neutrality advocates. For example, the FTC has sued companies for foreclosing rival content in an exclusionary or predatory manner.<sup>5</sup> We have challenged problematic access,<sup>6</sup> discrimination,<sup>7</sup> pricing,<sup>8</sup> and bundling<sup>9</sup> practices. And we have conditioned<sup>10</sup> vertical mergers that would have forec

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information – for example, blocking or throttling practices – if not disclosing it would mislead a reasonable consumer.

The FTC's unfairness authority