

**Senate Judiciary Committee Hearing On  
Why Net Neutrality Matters: Protecting Consumers and Competition Through Meaningful Open  
Internet Rules  
September 17, 2014  
Questions for the Record from Senator Patrick Leahy**

Question for Jeffrey Eisenach

1. You testified that in a paid prioritization world, broadband providers would have an incentive to give startups the lowest cost access. Doesn't that argument ignore the fact that many startups offer products or services that compete with products or services offered by broadband providers?

Answer: No. First, edge providers do not, by definition, offer Internet access services. However, to the extent Internet access providers may offer services that compete with those offered by new entrants, the entrants' rights to compete fairly are protected by the antitrust laws. Net neutrality regulation goes much further, by forcing Internet access providers to provide free services to all edge providers, regardless of whether there is any chance of competition. Second, Internet access providers benefit from the innovative services generated by edge providers of all kinds, including new entrants, while entrants are far more likely to pose a competitive threat to existing edge providers than to the ISPs.