

**Independent** ■  
Film & Television  
■■■ **Alliance**®

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**JEAN M. PREWITT**  
*President and Chief Executive Officer*

March 14, 2008

Mr. Dan Glickman  
Chairman & Chief Executive Officer  
Motion Picture Association of America  
1600 Eye Street NW  
Washington, D.C. 20006

Dear Dan:

The Independent Film & Television Alliance (IFTA) was astounded to read that the MPAA and the six major studios who are its members have taken the step of denouncing the principle of 'net neutrality' and its advocates. I would like to take this opportunity to lay out why this issue is so important to IFTA and the independent industry that we represent and why we strongly disagree with the position you and your members have taken.

The Internet offers the only truly open opportunity for independents (whether or not commercially oriented) to reach consumers because both free and cable television have been foreclosed in the wake of massive industry consolidation. The Internet offers a new system of distribution as well as new ways of communicating ideas to audiences. It is vital that this channel remain open and competitively accessible to all users.

That openness is threatened by the power of a small number of broadband providers to discriminate unilaterally against some categories of users or types of traffic or to accord preferential treatment to certain content providers over others, all under the ambiguous claim of "network management". While these providers may have some legitimate issues related to the technical management of their networks, there have already been cases of different treatment of users and it is clear that there must be transparency, equal treatment and an avenue of redress when the providers' private decisions trespass fair rights of others and the public interest. Thus, the issue is not whether government should regulate the Internet but **whether there will be effective oversight to prevent a handful of corporate giants from imposing their own version of private regulation to the public's detriment.**

Your ShoWest speech suggests that efforts to regulate or legislate "net neutrality" will interfere with the fight against online copyright infringement of films and programs. Comcast's recent throttling of peer to peer traffic illustrates how easily piracy concerns

and network needs can become excuses for private vigilantism to the detriment of legitimate users and innovative service providers. Copyright enforcement is crucial to our industry but that cannot be the rationale for abandoning the principles of open and competitive access, which are critical to ensuring a vibrant film industry and a diversity of programming. It is the appropriate role of government to strike the balance between competing needs in such a circumstance.

IFTA's members have experienced the steady erosion of opportunity in the traditional distribution channels despite producing and distributing most of the award-winning films. This has been the result of massive deregulation of the broadcast and cable industries and the resultant substitution of corporate decisions for ones previously overseen by government in the public interest. Allowing the Internet to become an exclusive province of a small number of giant companies would inevitably harm the future of independent art and commerce.

From its outset, the Internet was designed to be the ultimate open and democratic network. Maintaining that and ensuring that there are no private chokepoints over content and use is the goal of net neutrality. This is in everyone's interest, including your members. Accordingly, IFTA will support public policy efforts to ensure open and competitive access to the Internet and to foster the innovation and creativity that is so vital to our future.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean M. Prewitt". The signature is fluid and cursive, with a large initial "J" and "P".

Jean M. Prewitt