

**Before the
Federal Communications Commission**

In the Matter of)	
Open Internet Remand)	GN Docket 14-28
)	
Framework for Broadband Internet Service)	
)	
)	GN Docket 10-127
)	
)	

Comments of General Assembly

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Executive Summary

General Assembly educates tens of thousands of people and helps prepare them for jobs.

The company is deeply concerned about the FCC's Open Internet proposal. The Open Internet proposal authorizes discrimination subject to a "commercial reasonableness" standard; this standard would harm our students and limit their ability to get jobs in new businesses. As an education provider focused on entrepreneurial activity, career transitions and job placement, we urge the FCC to prohibit discrimination and paid prioritization, on both fixed and mobile connections, and call on the FCC to reclassify broadband Internet access, subject to appropriate forbearance.

I. General Assembly Provides Skills-Training for Would-Be Tech Workers and Entrepreneurs

General Assembly is an educational company that offers classes, workshops, and immersive programs on the most relevant skills of the 21st century economy, including web development, user experience design, digital marketing and data science. We currently have classrooms and campuses in eight U.S. locations: New York City, Washington, D.C., San Francisco, Los Angeles, Boston, Chicago, Atlanta, and Seattle, and three international locations: London, Sydney, and Hong Kong. Courses are taught by skilled practitioners, many with experience at top tech companies, and offer practical, real-world, hands-on training.

In addition to our campus courses, we also offer several online learning products that are accessible anywhere with an Internet connection. These include Dash, a free, interactive, online learn-to-code program, and Front Row, General Assembly's monthly subscription service featuring on-demand instructional videos and unlimited access to interactive live streams. Through our Enterprise program, General Assembly works with Fortune 500 companies looking to introduce their employees to emerging technologies and entrepreneurial thinking through hands-on, meaningful lessons on the latest trends and best practices in technology, business, and design, including through an online learning program called Essentials of Digital Marketing.

With national attention on the rising cost of higher education and the crippling debt for recent graduates, General Assembly offers an important outlet for students looking to receive a high return on investment from their education. Over 100,000 students have benefitted from our services, including our 10 - 12 week long immersive programs and our

three-month apprenticeship program that provides students with a paid opportunity to further hone their newly-acquired skills on the job. We help our students with job preparation techniques and resume building, connect them with peers to work on real, self-directed projects, and make connections to our network of more than 2,300 hiring partners. Over 90 percent of our job-seeking immersive students find new, paid employment within three months of graduation.

General Assembly has created an innovative and effective model for job creation. Many students come to General Assembly to learn how to take an idea and turn it into a business. The importance of job creation to the well-being of our country is reflected in the White House's strong focus on and investment in several job initiatives over the last few years. In April, the White House announced \$500 million in grants to increase coordination between community colleges and industry groups and another \$100 million to expand access to apprenticeships to boost job training. In announcing this initiative, President Obama emphasized the need to train more workers in fields such as information technology. General Assembly has been doing just that - training more individuals for the jobs of today and the future.

In a short time, we have helped thousands around the world gain valuable job skills and rewarding new careers in technology, design and business. As a result, we have received tremendous support from both the public and private sectors. In 2011, we received a \$200,000 grant from the not-for-profit New York City Economic Development Corporation to build our first campus in NYC. In March of 2014, we announced a Series C funding round of \$35 million, led by new investor Institutional Venture Partners, increasing our total funding to date to \$49.3 million.

While our progress has been tremendous, our work has barely begun. We plan to continue to expand our impact with innovative global programming and support for our alumni.

II. We Would Not Have Been Able to Grow and Thrive As a Company If the FCC's Discrimination Proposal Had Been In Effect

General Assembly was founded in New York City in early 2011 by Jake Schwartz, Brad Hargreaves, Adam Pritzker, and Matthew Brimer. Initially inspired to create a central space and community for the burgeoning start-up environment in NYC, the founders quickly saw a critical need for more education in technology and entrepreneurship. They observed that recent college graduates were having a difficult time finding jobs and recognized a misalignment between what is taught in traditional higher education institutions and what is needed to succeed in today's digital economy. General Assembly set out to create a community of people empowered to pursue work they love through robust educational offerings centered around practical, job-focused skills.

General Assembly would not have been founded if the FCC's proposed rules were in effect three years ago. By its nature, General Assembly's business disrupts several areas of the education sector, including traditional for-profit and not-for-profit educational institutions that offer online programs. These institutions are well-funded and, under the FCC's proposed rules, would be able to afford to put themselves in the "fast lane." Our founders, four individuals then under the age of 33, needed funding from outside investors to grow the young company. Attracting investors to the business would have been significantly more difficult if ISPs were able to charge discriminatory prices. Even if General Assembly's founders were able to afford access fees, paying these discriminatory fees would have only

diverted funds away from more important goals: building new education products, improving our services, and supporting our graduates.

Moreover, under the FCC's proposed scheme, General Assembly would not have been able to mature into a company that currently employs over 300 people globally and has helped hundreds of Americans get jobs in the tech sector and acquire the skills to start their own companies, fostering job creation and economic development across the U.S. Over the past two years, over 400 graduates of two of General Assembly's signature immersive programs in Web Development User Experience Design across the U.S. have secured jobs, many of them at technology startups. Graduates of General Assembly's full-time immersive programs earn an average of approximately \$70,000 within three months of completing the program.

The startups where many of our graduates found work might never have existed had the FCC's proposed regulations been in place. Without these opportunities for our graduates, we could never have made as much progress as we have towards closing the technology skills gap in the U.S. The FCC's proposed rules would make the types of companies that hire our graduates more difficult to found and to grow and these jobs would evaporate. We are frightened by a future in which large, well-established players have yet another advantage over entrepreneurial endeavors. We are unhappy with the prospect of constricting a major avenue of employment for our students.

In addition, every day, our students across the country use their newly-acquired skills to launch their first websites and applications. Giving our students the power to create their own web properties has led to a tremendous array of projects representing the diversity of passions, interests, and solutions to problems our students they see in the world. We fear anything that would stand in the way of their ability to solve problems

through the technology skills they learn at General Assembly. Ultimately, if our students are unable to pursue their passions, our business will not succeed.

III. The Proposed “Commercial Reasonableness” Standard Will Not Help Us At All

To the extent that the FCC wants to provide legally enforceable rules to stop broadband providers from limiting Internet openness, we commend the effort. Unfortunately, the Chairman’s proposal falls short of this goal in ways that would create potentially disastrous consequences to consumers and the Open Internet. The Chairman’s proposal would result in a two-tiered Internet with one basic level of service for those who cannot or choose not to pay, and a second tier of fee-based discriminatory priority or preferred service for those with deeper pockets (there may even be multiple tiers of priority). A two-tiered Internet—where we have to either pay a fee to each cable and phone company to get the same treatment as our competitors—would change our business model, slow our growth and hiring, and affect our costs and ability to fundraise. Having the right to sue large, highly-lawyered ISPs at the FCC under extremely vague standards that allow them to discriminate provides cold comfort. As the only in-house attorney at General Assembly, I cover almost every aspect of law and policy, and have little time to be tied up analyzing vague standards, talking to FCC Ombudsmen, or negotiating with multiple ISPs. Under the FCC’s proposed rules, we anticipate having to negotiate such problematic deals and considering legal options at home as well as abroad. Indeed, if the US permits discriminatory pricing, more and more foreign ISPs may seek the same discriminatory rights from their own governments, a rabbit hole which could lead to foreign ISPs unfairly discriminating against US competitors in favor of local companies.

Clear rules are important in promoting innovative enterprise. The factors of the commercial reasonableness test are too vague to provide certainty. These standards

include “harm to consumers” or “to competition” and evaluation of a totality-of-the-circumstances. Such a standard will only lead to expensive and time-consuming litigation that start-ups cannot afford and which will therefore curb entrepreneurial activity to the benefit incumbent players and their legal teams.

General Assembly believes we need strong network neutrality rules that prohibit blocking, discrimination, and access fees. These require reclassification under Title II of the Communications Act. The Internet works well today; allowing ISPs to price discriminate will harm businesses like ours, the general public, and the economic well-being of our country.

Respectfully submitted,

/s/ Liz Simon

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