



Annual Report
2017



Promoting a
Creative and
Connected
Future.

Index

Letter from Leadership Team	4
Mission Statement	6
Our Core Work	7
How We Work	7
Issues	8
Emerging Issues	22
Public Interest Training	26
Looking Forward	30
Public Knowledge Staff	32
Public Knowledge Board	36
Funding Resources	38
How You Can Help	40

Connect with us!

@PublicKnowledge
pk@publicknowledge.org

Letter from Leadership Team

The internet is under attack. Never in the short history of the internet have there been such grave threats to openness, privacy, innovation, and expression as in 2017.

Ignoring literally millions of pleas to the FCC from everyday Americans and overwhelming public opinion, the FCC removed the overarching net neutrality protections December 14, 2017.

Now, internet service providers can decide what you see and how fast you see it, prefer some websites over others, or carve up the internet into speed or content packages like cable TV. To make matters worse, removing the internet from "Title II" protections also creates a domino effect of exempting ISPs from lots of other important rules.

Undoing the net neutrality rules is just part of a pernicious strategy to undermine consumer rights and turn over control to dominant corporate interests. For example, Congress -- at the urging of the FCC and the Administration -- removed privacy rules that would have curbed your ISP's ability to follow you around the internet while tracking and profiting off your data. The rules were axed by a congressional repeal signed by President Trump on April 3, 2017. Even worse, this type of repeal prevents any similar regulations.

Public Knowledge will continue to fight for the Open Internet in 2018. We will advocate before Capitol Hill and the FCC and work with coalition groups and the public to galvanize support. We have travelled to Tennessee and Ohio for

dialogues about how the internet affects rural areas and to the tech community in New York and California for conversations about the importance of a level playing field for startups, and we will continue this outreach.

We are fighting for broader consumer protections that put people -- not the largest corporations -- first. In 2018, we will fight tirelessly for net neutrality. We will also do things like host workshops to explore how artificial intelligence and big data can help or harm communities; work to protect consumer data and fight for rules that make powerful corporations bear the burden of breaches; fight media mergers that make the largest corporations richer and take away consumer choice; and advocate for a more balanced copyright system that fosters creativity and growth online.

While we intend to make short-term gains, these are long-term battles. Public Knowledge is preparing for the future by placing a high priority on training a skilled and diverse cadre of public interest advocates.

Thank you to our talented staff, Board, and supporters for all you did in 2017. Now, we need you. Follow us on social media, ally with us, contribute to our mission, or support the fellowship program to build for the future. Here's to a vigorous fight in 2018!

-The Public Knowledge Leadership Team

Ryan Clough, General Counsel
Kristine DeBry, Chief of Staff and Senior Counsel
Harold Feld, Senior Vice President
Gene Kimmelman, President and CEO
Chris Lewis, Vice President
Eboni Speight, Director of Human Resources and Administration

Mission Statement

Public Knowledge promotes freedom of expression, an Open Internet, and access to affordable communications tools and creative works. We work to shape policy on behalf of the public interest.



Public Knowledge Staff

From left to right: Gus Rossi; John Bergmayer; Phillip Berenbroick; Kim Whitehead; Meredith Whipple; Harold Feld; Yosef Getachew; Kate Forscey; Sara Kamal; Kristine DeBry; Shiva Stella; Ryan Clough; Dylan Gilbert; Charles Duan; Katie Watson; Gene Kimmelman; Eboni Speight; Katrina Worsham; and Chris Lewis. Not shown: Arian Attar; Sean Davis; Meredith Rose; Daiquiri Ryan; and Megan Stifel.

Our Core Work

Public Knowledge advocates at the intersection of internet law, telecommunications, and copyright, at a time when these fields are converging.

Public Knowledge works to:

- ▶ Ensure universal access to affordable and open networks
 - ▶ Promote creativity through balanced copyright
 - ▶ Advance government transparency and the public's access to knowledge
 - ▶ Uphold and protect consumer rights
 - ▶ Oppose policies that would slow technology, impede innovation, shrink the public domain, or limit fair use
- ▶ Educate the press, the public, and policymakers through white papers, blog posts, and videos
 - ▶ Provide a forum for policymakers, the public, industry, and the press to exchange ideas about our core issues

How We Work

- ▶ Capitol Hill
- ▶ Government Agencies: FCC, FTC, DoJ, CO, PTO
- ▶ Allies and Coalitions
- ▶ Public Events
- ▶ Communications

Issues

Net Neutrality -- Open Internet

In 2017, Public Knowledge vigorously defended the Federal Communication Commission's 2015 Open Internet Order, which a federal court upheld twice. The Order created strong net neutrality rules that required broadband providers to treat all online content and services equally. Under these rules, ISPs could not block, throttle, or create internet "fast lanes."

Public Knowledge brought its case directly to the FCC through legal filings and meetings, educating lawmakers on Capitol Hill while working with allies and the public to mobilize support.

Outside the beltway, Public Knowledge helped host events in Marietta, Ohio and Nashville, Tennessee

to facilitate dialogues with consumers and lawmakers on the role that internet access plays in their lives and why net neutrality must be preserved.

In the wake of the FCC's 2017 repeal of these rules, Public Knowledge is utilizing all available processes to restore them. Public Knowledge filed a protective petition in the Court of Appeals for the D.C. Circuit to urge review of the FCC's action. We also supported the efforts of the many Members of Congress who called for a Congressional Review Act (CRA) to reverse the FCC's decision. We hope that 2018 brings progress on restoration of the net neutrality rules.

Broadband Affordability

Broadband access is critical for low-income and rural communities who use the internet to find jobs, healthcare, education, and opportunity, but many Americans cannot afford the cost of access. In 2017, we urged House and Senate Congressional committees to increase broadband connectivity and affordable access.

We called on the FCC to support affordability initiatives. We joined a coalition of more than 30 consumer advocacy and civil rights groups urging FCC Commissioners to support the Lifeline program, which plays a critical role in closing the digital divide by offering subsidies for broadband services to low-income families. We also joined the National Hispanic Media Coalition in publicly rejecting the FCC's draft Order to gut the Lifeline program.

In 2018, Public Knowledge will continue to push for policies that put broadband within the reach of us all.



Issues

National Network Upgrade

American communications networks are being upgraded from analog to digital. However, it is crucial that these improvements are done in such a way that retains the same protections consumers received on the older, copper networks, including public access and existing safety precautions.

To ensure a smooth transition, Public Knowledge asked the FCC (twice) to protect consumers when phone carriers decide to retire their copper networks or discontinue service. We explained why the current rules are critical for consumers, small businesses, and competitive carriers.



Senior VP Harold Feld defends net neutrality and rural internet on i24 News

Public Knowledge led education initiatives to ensure that government officials, particularly Congressional offices in rural areas, were educated about why the current rules are important for maintaining high-quality broadband standards in rural communities. We also informed the public of the importance of these rules.

The need for effective national network upgrade rules became particularly apparent as Americans surveyed the aftermath of 2017's highly destructive hurricane season. Severe winds battered communications systems throughout the continental United States and our territories.

Public Knowledge worked with our allies to push the FCC and Congress to do more to restore the damaged infrastructure in affected areas like Puerto Rico and the U.S. Virgin Islands.

In the coming year, we will continue to engage with these offices to explain why strong upgrade rules are important for broadband, especially in rural or vulnerable areas.

Issues

Privacy Protections in the Digital Era

As the internet permeates more aspects of consumers' daily lives, the need for strong privacy rules grows. Public Knowledge has a long history of fighting for rules that would keep broadband providers from excessively tracking consumers and selling their data to undisclosed third parties.

Unfortunately, the current administration and Congress repealed the FCC's newly-adopted strong privacy rules at the beginning of 2017, leaving consumers vulnerable.

Public Knowledge worked with journalists to explain the impact of this loss to consumers, and supported allies advocating for state broadband privacy legislation to fill the void left by the repealed rules.

Public Knowledge responded to the Equifax data breach by examining the consumer protection failures associated with the breach and offering solutions on how to better protect consumers. We informed the public of the severity of the personal data breach and advised consumers on how to both respond to the Equifax situation and prepare for the next hack.

Following the Equifax Congressional hearings, we released a white paper at the end of 2017 outlining the principles of ideal online privacy legislation. Later, we led a panel of privacy and cybersecurity experts to share these principles with Congress.

The threat to consumers' online privacy continues, and Public Knowledge will persist in pushing the FCC, FTC, and Congress to protect the public -- whether it's from third-party data sellers or dangerous hackers.

In 2018, we will analyze data breach legislation to ensure that all policy proposals benefit the public interest and encourage Congress to push for comprehensive reforms.



Policy Fellow Dallas Harris defends the FCC's former privacy rules on NPR

Issues

Global Policy

Public Knowledge has a history of collaboration with the Global South through which we have supported efforts to promote fair and open internet practices abroad, while cultivating a new generation of advocates.

In 2017, Public Knowledge called upon the International Telecommunication Union (ITU) to reconsider its attempt to change the current internet environment by imposing network operator regulations on over-the-top (OTT) services.



Global Policy Director Gus Rossi reviews internet governance at IGF-Geneva

On trade, we urged the United States Trade Representative (USTR) to ensure that intellectual property provisions are appropriately balanced, advance Open Internet principles, and include sufficient mechanisms for genuine transparency and public feedback while negotiations take place for the new North-American Free Trade Agreement.

Public Knowledge participated in international events, including the Latin American Internet Governance Forum, the World Telecommunications Development Conference, and the Internet Freedom Festival.

Finally, we partnered with the Global South to develop advocacy trainings for the next generation of public interest defenders, leveraging our issue expertise and extensive network in D.C.

In 2018, Public Knowledge will continue to work with our Global South partners and international institutions to advance an Open Internet and human rights in the digital age.

Issues

Competitive Communications Marketplace

Public Knowledge has long fought for a competitive communications marketplace that gives consumers more choice and lower prices.

The past year was filled with growing threats to an open and competitive marketplace, and Public Knowledge led several efforts to combat these threats.

We were a key partner in an ideologically diverse coalition, calling policymakers' attention to the dangers of the proposed Sinclair-Tribune merger.

Public Knowledge advocated for the AT&T-Time Warner merger to be blocked as proposed, while acknowledging that this deal is likely to be

approved with conditions designed to limit some of its competitive harms.

We educated policymakers and engaged the public about these important issues -- including how a lack of competition in broadband and pay-TV markets leads to an ongoing consumer ripoff -- through blog posts, online Q&As, op-eds, and letters.

We also publicly responded to the FCC's attempt to eliminate the 39 percent national audience reach cap that prevents broadcast stations from owning too much of the market, stifling diverse media voices.

In 2018, Public Knowledge will call on the Department of Justice to carefully review the Disney-21st Century Fox merger and how it may harm competition and consumers by further consolidating must-have programming assets and major motion picture studios. Ultimately, this merger could result in consumers paying even more for content.

We will continue to monitor the communications landscape and fight back against anti-competitive, anti-consumer mergers that reduce competition while raising costs.



VP Chris Lewis joins a Politico Live panel on the media and polarization

Issues

Public Interest Spectrum Policy

In 2017, Public Knowledge engaged the FCC and Congress to promote greater access to unlicensed spectrum, wireless competition, and rural deployment.

Unlicensed spectrum, which includes Wi-Fi, is a critical resource used in everything from vehicular safety mechanisms to smart homes -- yet it's a finite resource. With the use of unlicensed spectrum growing, Public Knowledge urged the FCC to provide more of it for the public interest so that consumers could also benefit.



Policy Counsel Meredith Rose and General Counsel Ryan Clough at 2017's IP3

We partnered with allied groups to advocate for new initiatives that would use spectrum in innovative and effective ways.

We also supported a unique Microsoft initiative called “Airband” to use “open” unlicensed spectrum in the TV white space. We hope that doing so will bring broadband to rural America, moving us one step closer to ending the digital divide.

Additionally, Public Knowledge supported the Senate AIRWAVES Act, which would establish a pipeline to move federal spectrum into commercial use and take a portion of the spectrum auction proceeds to fund wireless infrastructure in unserved and underserved areas.

Supporting spectrum policy that benefits the public interest is yet another way Public Knowledge works to connect all Americans in the digital age.

Issues

Balanced Copyright and Patent Policies

Public Knowledge has worked for more than 15 years to promote balanced copyright and to emphasize that patents should not be a bargaining chip for commercial actors.

On copyright, Congressional efforts were central to our work as we helped prevent bad bills from becoming law -- most notably H.R. 1695, which would have converted the Register of Copyrights into a presidential appointee over whom the Librarian could exercise no meaningful oversight. This would have ultimately hurt consumers by further delaying the already overdue modernization of the copyright record keeping and registration system.

Off the Hill, Public Knowledge played an active role with allies and other stakeholders by coordinating filings in the Copyright Office's triennial 1201 rulemaking process, submitting amicus briefs and blogging about policy developments like the Copyright Office's 1201 report. We also took our message to live audiences through appearances at the ABA Antitrust Section Spring Meeting, SXSW Interactive, Copyright and Technology NYC, and Dragon Con.

On patent reform, Public Knowledge continues to assert its presence as an active voice for the public interest -- particularly in the courts. In *Impression Products v. Lexmark International*, which concerned the use of

patent rights to control how consumers use or resell technology products they bought, Public Knowledge built a substantial coalition in support of consumer rights and filed an amicus curiae brief in the Supreme Court.

The Court relied on the research in Public Knowledge's brief to hold in favor of consumer rights over patent trolls' interests. We also filed an amicus brief in *TC Heartland v. Kraft Foods*, which dealt with abusive patent assertion practices in the Eastern District of Texas. The widely read commentary blog, *Patently-O*, called the amicus brief "one of the best briefs" in the case.



Attorney Charles Duan and Fellow Courtney Duffy present a copyright video

Emerging Issues

Artificial Intelligence

Public Knowledge's core issue areas of internet policy, intellectual property, competition, privacy, and emerging technology are increasingly being affected by artificial intelligence (AI).

As a result, in 2017 we began investigating emerging policy issues related to AI and identifying the major areas of potential concern for consumers and the public interest, especially those that may attract regulatory or legal scrutiny.



President Gene Kimmelman speaks to Attorneys General in D.C.

These areas include: (1) the fairness and transparency of AI-driven decisions (including civil rights and discrimination concerns); (2) how AI may either expand or limit competition in different sectors, and affect the economic interests of consumers; (3) the interaction between AI and intellectual property laws; and (4) AI and the future of the workforce.

In 2018, Public Knowledge will host a series of roundtables with individuals representing industry, civil rights, academic, and other public interest groups to gather insights on the impact of artificial intelligence.

These discussions will center on civil rights, education, consumer pricing, privacy, and the workforce. They will also consider information industry areas like enterprise-focused database and information technology, consumer-facing internet platforms, data brokers, and marketing research and measurement.

Emerging Issues

Cybersecurity

Public Knowledge is working to build bridges between key stakeholders in cybersecurity policy development -- in particular, governments, industry, and civil society.

In 2017, we continued to develop norms of corporate behavior that reflect the role the private sector plays in innovation, and the impact on consumers. With regards to the massive Equifax data breach, we outlined what went wrong and how to address it.

Furthermore, we examined multiple Equifax cybersecurity/privacy bills and educated both the public and Capitol Hill on their consumer effects.

We also helped develop a set of best practices to advance consumer privacy in private sector cybersecurity information sharing, which the Information Sharing and Analysis Organization Standards Organization published in July 2017.

In 2018, Public Knowledge will continue to advance the idea that cybersecurity should be an element of corporate sustainability policies. We hope to present this innovative sustainability model in a new cybersecurity white paper early in the year.

We will continue advocating for responsible cybersecurity that can improve the bottom line while also leading to product and service development that supports a more enduring and resilient information and communications infrastructure for the benefit of all.

In short, cybersecurity should be a cornerstone and not an afterthought for product development. Public Knowledge seeks to drive this point home with industry and consumers through additional papers, panels, and roundtables.



Cybersecurity Policy Director Megan Stifel joins Sasakawa USA roundtable

Public Interest Training

Washington Public Interest Advocacy Training

Public Knowledge is training a new cadre of smart and savvy public interest advocates to balance entrenched power by vigorously representing the public.

Since 2014, Public Knowledge has hosted more than a dozen full-time fellows who learn and practice side-by-side with our permanent staff.

Fellows join Public Knowledge veterans at the FCC, FTC, Copyright Office, the Courts, on Capitol Hill and anywhere else policy is made, learning new skills to make sure the public's voice is heard in the technology policy debate.



Policy Fellows Dylan, Katrina, Yosef, and Sara join Sen. Markey at 2017's IP3

Fellows write legal and regulatory filings, organize coalitions, devise legal strategies, engage the media, draft letters and blog posts, and appear on policy panels -- whenever they're not making new connections at policy events.

In 2017, we hosted six policy fellows. In addition to spearheading legal work, the fellows met with key policymakers, attended hearings, and appeared in major news outlets, including The New York Times, LA Times, and NPR.

Our program also provides on-ramps to policy careers by hosting six summer legal or policy interns, in addition to other interns throughout the year.

These unique internships offer law and policy students the opportunity to engage with policymakers while playing a substantial role in a critical issue area.

Fellows and interns have gone on to join the public interest community, government, technology companies, and law and business school. Fellows and interns remain dedicated to the public interest throughout their careers.

Public Interest Training

Grassroots Advocacy Training

In September, Public Knowledge led a group of public interest and social justice allies in welcoming net neutrality advocates from across the United States to Washington, D.C. for a “Day of Advocacy.”

More than 40 participants volunteered to engage with Public Knowledge in an advocacy training program before visiting Capitol Hill to share their stories with representatives.

Participants learned how best to approach lawmakers, how to respond to inaccurate arguments, how to handle hostile questions with grace, and how to effectively highlight talking points for different audiences.

Public Knowledge’s government affairs team also trained participants in developing their own narrative, better equipping volunteers to navigate through their own life stories and unique perspectives while in front of policymakers.

Our coalition of newly empowered citizens expressed how important net neutrality is to their lives, schools, and businesses, and made the case for preserving the FCC’s net neutrality rules to benefit their communities.



Senior Policy Counsel Phillip Berenbroick trains volunteers on Capitol Hill



Policy Counsel Kate Forscey leads advocacy training for new volunteers

Looking Forward

In 2018, Public Knowledge will continue to fight alongside allies for internet freedom in every arena, from the federal courts and the FCC to Congress and individuals all over the country.

Rural constituents in particular have a critical role to play in informing policymakers about the importance of broadband in their lives, and Public Knowledge will continue amplifying their voices. To this end, Public Knowledge will host events throughout the country in 2018 to reach rural Americans, and will share their concerns with policymakers, reporters, bloggers, and broadcasters covering this connectivity challenge.

In order to ensure the internet is both accessible and affordable to all Americans, we will work

to protect the Lifeline program and to engage with members of Congress on rural broadband deployment, specifically addressing network upgrade and broadband mapping issues that directly affect affordability of services.

Public Knowledge will continue pushing the FCC to do more to help restore communications infrastructure in hurricane affected areas, and to ensure rural areas are not negatively harmed by technological transitions.

We know that increased competition leads to lower prices, higher speeds, and wider availability of internet service for Americans, especially in under- and unserved areas.

Public Knowledge will continue to call on regulatory bodies to review major media mergers while exploring how traditional expertise in telecommunications and media competition issues can be applied to issues of online platform competition.

In preparation for the January 1, 2019 copyright term expiration, we are developing a repository on the public domain and access to cultural works. In 2018, we will promote and expand the horizons of the copyright program by releasing white papers, developing briefs, and bringing our message of copyright reform to broader, more engaged public and political audiences.

Public Knowledge will continue to advocate for the public interest on Capitol Hill and before agencies such as the U.S. Patent and Trademark Office and the

U.S. International Trade Commission.

Public Knowledge is looking ahead to some of the emerging issues that will take center stage in the years to come, such as artificial intelligence.

We look forward to using our position as a trusted, non-partisan resource in Washington to educate policymakers about future-facing technologies while ensuring that these technologies also benefit the public interest.

-Public Knowledge Staff

Public Knowledge Staff

Arian Attar

Policy Fellow



Allie Bohm

Policy Counsel



Phillip Berenbroick

Senior Policy Counsel



Annemarie Bridy

Visiting Senior Fellow



John Bergmayer

Senior Counsel



Ryan Clough

General Counsel



Kristine DeBry
Chief of Staff, Senior Counsel



Gene Kimmelman
President & CEO



Harold Feld
Senior Vice President



Chris Lewis
Vice President



Dylan Gilbert
Policy Fellow



Meredith Filak Rose
Policy Counsel



Public Knowledge Staff

Gus Rossi

Global Policy Director



Shiva Stella

Communications Director



Daiquiri Ryan

Policy Fellow



Megan Stifel

Cybersecurity Policy Director



Eboni Speight

HR, Administration Director



Katie Watson

Development Manager



Meredith Whipple
Digital Content Manager



Kim Whitehead
Office Manager



Public Knowledge Interns



From the left: Christa Nicols; Gabrielle Daly; Kristine DeBry (Staff); Willmary Escoto; Michael Chaia; Jane Lee; and Marine Margaryan.

Public Knowledge Board

Maura Corbett

Board Chair
CEO, Glen Echo Group



Moses Boyd

Founding Partner
Integrated Solutions Group



Virginia Lam Abrams

Board Secretary
Senior VP, Starry



Michael Copps

Former FCC Chairman
Common Cause



Kevin Werbach

Board Treasurer
Assoc. Prof., Wharton School



Laurent Crenshaw

Director of Public Policy
Yelp



Brewster Kahle

Director, Co-founder
Internet Archive



Michael Petricone

Senior VP, Govt. Affairs
Consumer Technology Assoc.



Gene Kimmelman

President & CEO
Public Knowledge



Frank Torres

Director, Consumer Affairs
Microsoft



Andrew McLaughlin

CEO
Digg, Instapaper



Funding Resources

Public Knowledge receives financial support for its mission from a wide array of sources, and ensures that its funding remains diversified and its mission independent.

Funding sources include charitable foundation grants and general support contributions, including funds raised through Public Knowledge's annual IP3 Awards event.

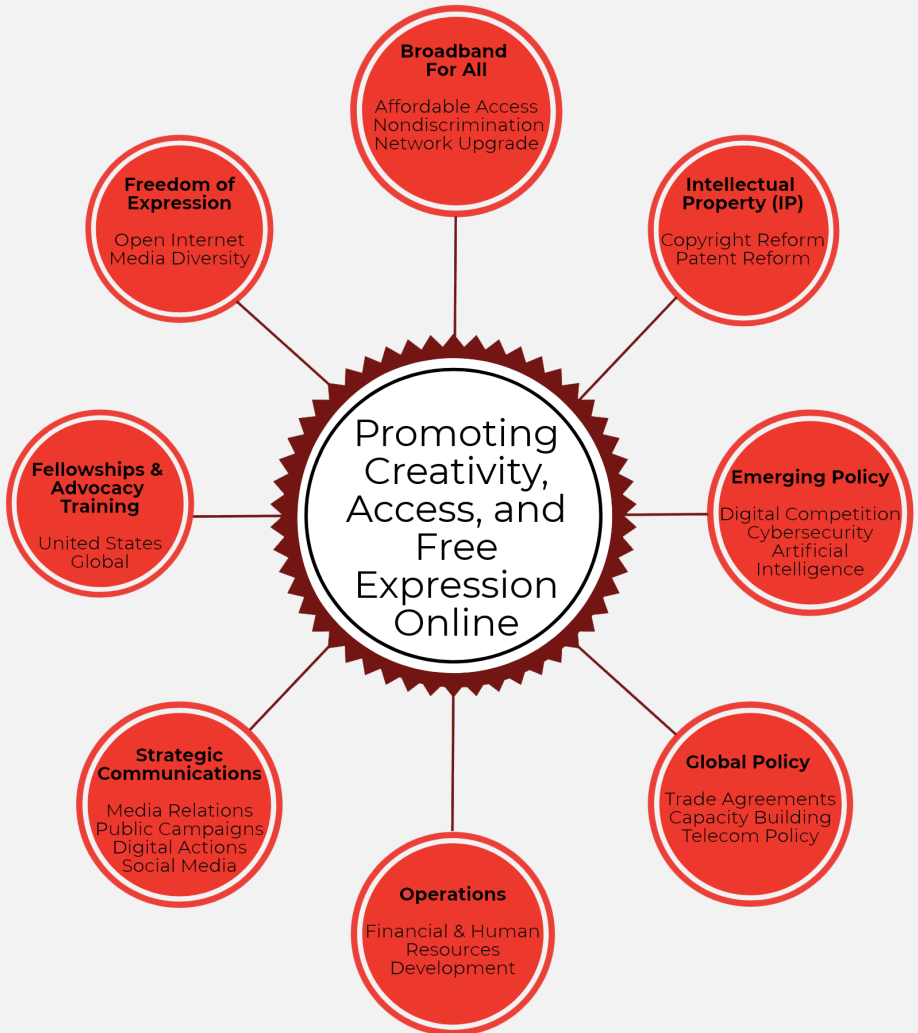
Foundation support accounts for between half and two thirds of Public Knowledge's budget.

Grantors include the Ford Foundation, Open Society Foundations, The William and Flora Hewlett Foundation, the Kahle-Austin Foundation, Media Democracy Fund/New Venture Fund, Nielsen, Porticus, Skowronski Family Foundation, The

BGR Foundation, Google Community Grants Fund of Tides Foundation, and the Voqal Fund.

The remainder of our support comes from companies and individuals through donations or sponsorship of the IP3 Awards. Public Knowledge recognizes individual donors and companies through the IP3 Awards event materials if they wish.

Public Knowledge limits contributions from any single corporation to five to ten percent of its budget to ensure that no funders can attempt to assert undue influence on Public Knowledge.



Join us in this critical fight for the future of the internet.

Engage with us online, take action, and please donate to Public Knowledge at **publicknowledge.org/give**.

Every dollar, like every voice, counts.

Connect with us!



Web: www.publicknowledge.org

Twitter: @PublicKnowledge

Facebook: @PublicKnowledge

Email: pk@publicknowledge.org