

United States Senate

WASHINGTON, DC 20510

1029

December 4, 2017

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street Southwest
Washington, DC 20554

Dear Chairman Pai:

We are deeply concerned by your recently released proposal to roll back critical consumer protections by dismantling the Federal Communications Commission's (FCC) current net neutrality rules. A free and open Internet is vital to ensuring a level playing field online, and we believe that your proposed action may be based on an incomplete understanding of the public record in this proceeding. In fact, there is good reason to believe that the record may be replete with fake or fraudulent comments, suggesting that your proposal is fundamentally flawed.

To this end, we request a thorough investigation by the FCC into reports that bots may have interfered with this proceeding by filing hundreds of thousands of comments. Furthermore, an additional 50,000 consumer complaints seem to have been excluded from the public record in this proceeding, according to Freedom of Information Act (FOIA) requests filed by the National Hispanic Media Coalition. Without additional information about the alleged anomalies surrounding the public record, the FCC cannot conduct a thorough and fair evaluation of the public's views on this topic, and should not move forward with a vote on December 14, 2017.

New York Attorney General Eric Schneiderman has spent the past six months conducting an investigation into the fraudulent comments, and found that "hundreds of thousands" of comments may have impersonated New York residents, a violation of state law. He further asserts that the FCC has not cooperated with requests for additional data and information. Data scientist Jeff Kao has also run an analysis of the public record, and estimates that over a million comments filed in support of repealing net neutrality may have been fake. These reports raise serious concerns as to whether the record the FCC is currently relying on has been tampered with and merits the full attention of, and investigation by, the FCC before votes on this item are cast.

A transparent and open process is vitally important to how the FCC functions. The FCC must invest its time and resources into obtaining a more accurate picture of the record as understanding that record is essential to reaching a defensible resolution to this proceeding. As a result, we are requesting that you delay your planned vote on this item until you can conduct a thorough review of the state of the record and provide Congress with greater assurance of its accuracy and completeness.

Thank you for your immediate attention to this matter.

Sincerely,



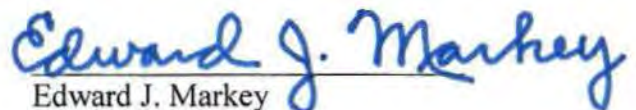
Margaret Wood Hassan
United States Senator



Sherrod Brown
United States Senator



Bernard Sanders
United States Senator



Edward J. Markey
United States Senator



Catherine Cortez Masto
United States Senator



Sheldon Whitehouse
United States Senator



Tammy Duckworth
United States Senator



Michael Bennet
United States Senator



Jeanne Shaheen
United States Senator



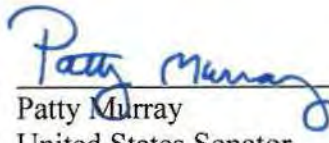
Richard Blumenthal
United States Senator

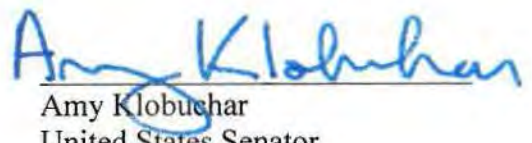


Elizabeth Warren
United States Senator




Gary C. Peters
United States Senator


Patty Murray
United States Senator


Amy Klobuchar
United States Senator


Ron Wyden
United States Senator


Tammy Baldwin
United States Senator


Mazie K. Hirono
United States Senator



Charles E. Schumer
United States Senator



Jack Reed
United States Senator


Ben Cardin
United States Senator


Dianne Feinstein
United States Senator


Mark Warner
United States Senator


Jeffery A. Merkley
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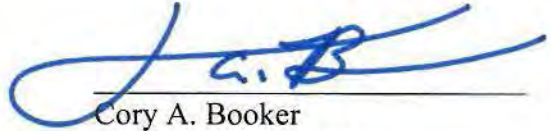

Tim Kaine
United States Senator


Kirsten Gillibrand
United States Senator


Angus S. King, Jr.
United States Senator



Al Franken
United States Senator



Cory A. Booker
United States Senator



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Angus King
United States Senate
133 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator King:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

The Commission is grateful to all commenters who engaged the legal and public policy questions presented in this rulemaking. These comments ensured that the Commission considered all important aspects of its proposal to reclassify broadband Internet access service as an "information service" and restore the "light-touch" regulatory framework that fostered a free and open Internet in the United States prior to 2015.

To be sure, this proceeding carried the potential for advocates on either side to abuse the process to create an appearance of numerical advantage. But the Commission does not make policy decisions merely by tallying the comments on either side of a proposal; were it otherwise, agency decisions would require not Commissioners exercising reasoned judgment but calculators performing a simple count. Nor does the Commission attribute greater weight to comments based on the submitter's identity. Accordingly, the Commission has never burdened commenters with providing identity verification or expended the massive amount of resources necessary to verify commenters' identities. Rather than dwell on how well automated or form submissions reflect actual popular support, the Commission has instead focused on encouraging robust participation in its proceedings and ensuring that it has considered how the substance of submitted comments bear on the legal and public policy consequences of its actions.

With respect to the 50,000 *informal* complaints you reference from the National Hispanic Media Coalition's FOIA request, we specifically addressed this issue in the *Order*. Notably, the Commission expended substantial resources to supply thousands of documents involving these

complaints, and supplied them long before the record closed. Indeed, the record remained open for over three months after the documents were produced pursuant to the FOIA request, which provided ample opportunity for the National Hispanic Media Coalition to submit them into the record.

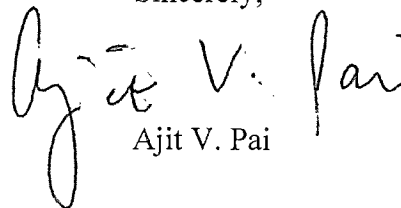
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As noted above, the Commission is staunchly committed to transparency and integrity in rulemaking proceedings, including in connection with the *Restoring Internet Freedom* proceeding. To that end, when individuals contacted the Commission to complain that a comment was falsely filed in their name, the Commission responded by inviting them to file a statement to that effect in the public record. In addition, as noted above, members of the public had an opportunity to comment on the substance of the public draft released three weeks prior to the scheduled vote, pursuant to my transparency initiative.

In sum, in this proceeding, the Commission followed the well-established notice-and-comment process prescribed in the Administrative Procedure Act. That process resulted in an order consistent with both the Communications Act and the public interest.

I appreciate your interest in this matter. Your views are important and will be entered into the record of the proceeding. Please let me know if I can be of any further assistance.

Sincerely,

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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Benjamin L. Cardin
United States Senate
509 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Cardin:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

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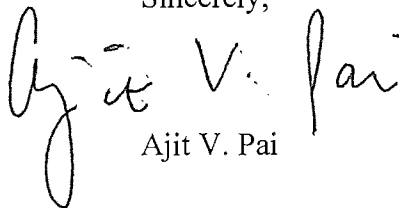
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Bernard Sanders
United States Senate
332 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Sanders:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

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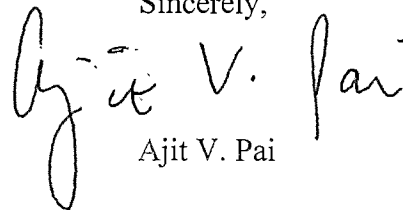
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Catherine Cortez Masto
United States Senate
B40A Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Cortez Masto:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

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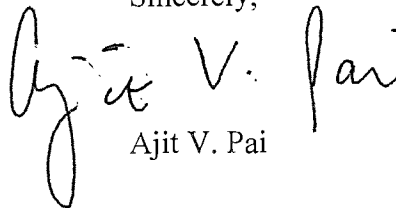
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Charles E. Schumer
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Schumer:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

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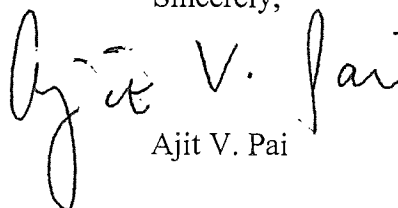
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Cory Booker
United States Senate
359 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Booker:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

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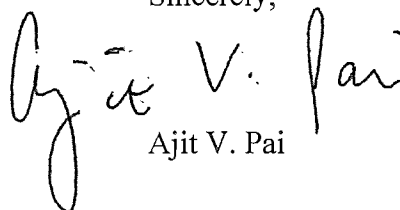
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January 11, 2018

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Feinstein:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

The Commission is grateful to all commenters who engaged the legal and public policy questions presented in this rulemaking. These comments ensured that the Commission considered all important aspects of its proposal to reclassify broadband Internet access service as an "information service" and restore the "light-touch" regulatory framework that fostered a free and open Internet in the United States prior to 2015.

To be sure, this proceeding carried the potential for advocates on either side to abuse the process to create an appearance of numerical advantage. But the Commission does not make policy decisions merely by tallying the comments on either side of a proposal; were it otherwise, agency decisions would require not Commissioners exercising reasoned judgment but calculators performing a simple count. Nor does the Commission attribute greater weight to comments based on the submitter's identity. Accordingly, the Commission has never burdened commenters with providing identity verification or expended the massive amount of resources necessary to verify commenters' identities. Rather than dwell on how well automated or form submissions reflect actual popular support, the Commission has instead focused on encouraging robust participation in its proceedings and ensuring that it has considered how the substance of submitted comments bear on the legal and public policy consequences of its actions.

With respect to the 50,000 *informal* complaints you reference from the National Hispanic Media Coalition's FOIA request, we specifically addressed this issue in the *Order*. Notably, the Commission expended substantial resources to supply thousands of documents involving these

complaints, and supplied them long before the record closed. Indeed, the record remained open for over three months after the documents were produced pursuant to the FOIA request, which provided ample opportunity for the National Hispanic Media Coalition to submit them into the record.

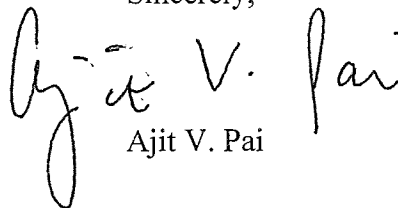
Despite any suggestion that the public comment process was somehow “flawed” or “tampered with” by the alleged submission of comments under false names, any such activity did not affect the Commission’s actual decision-making—that is, the agency’s ability to review the record, respond to comments that raised significant issues, and make a reasoned judgment. I am not aware of any evidence to the contrary. Indeed, any reasonable review of the *Order* would demonstrate precisely the opposite—that the Commission painstakingly engaged with the voluminous public record in this proceeding (namely, the many substantive comments that meaningfully grappled with the policy issues raised in the Notice of Proposed Rulemaking) in reaching its conclusions. To the extent you are concerned with non-substantive comments submitted under multiple different names that stated simply that the commenter supported or was opposed to the Title II classification without substantive explanation, as you can see in the *Order*, the agency did not rely on or cite any such comments.

As noted above, the Commission is staunchly committed to transparency and integrity in rulemaking proceedings, including in connection with the *Restoring Internet Freedom* proceeding. To that end, when individuals contacted the Commission to complain that a comment was falsely filed in their name, the Commission responded by inviting them to file a statement to that effect in the public record. In addition, as noted above, members of the public had an opportunity to comment on the substance of the public draft released three weeks prior to the scheduled vote, pursuant to my transparency initiative.

In sum, in this proceeding, the Commission followed the well-established notice-and-comment process prescribed in the Administrative Procedure Act. That process resulted in an order consistent with both the Communications Act and the public interest.

I appreciate your interest in this matter. Your views are important and will be entered into the record of the proceeding. Please let me know if I can be of any further assistance.

Sincerely,

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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Edward J. Markey
United States Senate
255 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

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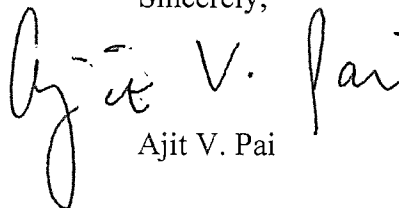
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Sincerely,

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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Elizabeth Warren
United States Senate
317 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Warren:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

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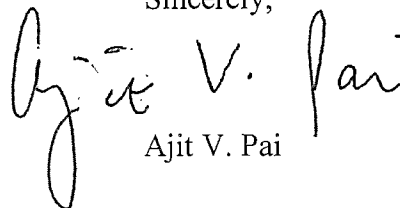
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Gary Peters
United States Senate
724 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Peters:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

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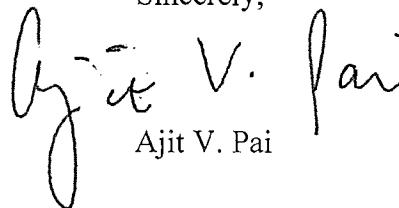
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Jack Reed
United States Senate
728 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Reed:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

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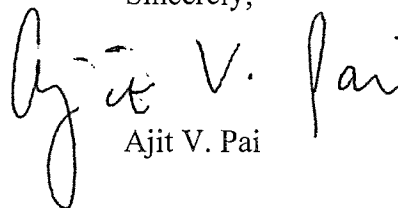
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Jeanne Shaheen
United States Senate
506 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Shaheen:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

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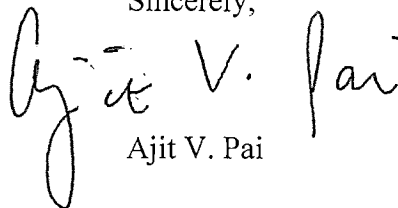
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Jeff Merkley
United States Senate
313 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Merkley:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

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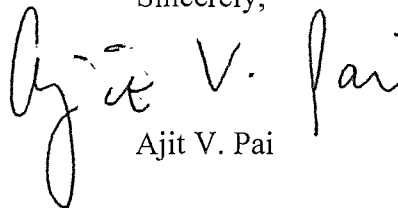
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Kirsten Gillibrand
United States Senate
478 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Gillibrand:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

The Commission is grateful to all commenters who engaged the legal and public policy questions presented in this rulemaking. These comments ensured that the Commission considered all important aspects of its proposal to reclassify broadband Internet access service as an "information service" and restore the "light-touch" regulatory framework that fostered a free and open Internet in the United States prior to 2015.

To be sure, this proceeding carried the potential for advocates on either side to abuse the process to create an appearance of numerical advantage. But the Commission does not make policy decisions merely by tallying the comments on either side of a proposal; were it otherwise, agency decisions would require not Commissioners exercising reasoned judgment but calculators performing a simple count. Nor does the Commission attribute greater weight to comments based on the submitter's identity. Accordingly, the Commission has never burdened commenters with providing identity verification or expended the massive amount of resources necessary to verify commenters' identities. Rather than dwell on how well automated or form submissions reflect actual popular support, the Commission has instead focused on encouraging robust participation in its proceedings and ensuring that it has considered how the substance of submitted comments bear on the legal and public policy consequences of its actions.

With respect to the 50,000 *informal* complaints you reference from the National Hispanic Media Coalition's FOIA request, we specifically addressed this issue in the *Order*. Notably, the Commission expended substantial resources to supply thousands of documents involving these

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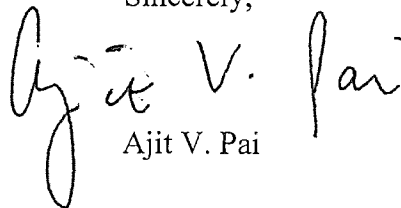
Despite any suggestion that the public comment process was somehow “flawed” or “tampered with” by the alleged submission of comments under false names, any such activity did not affect the Commission’s actual decision-making—that is, the agency’s ability to review the record, respond to comments that raised significant issues, and make a reasoned judgment. I am not aware of any evidence to the contrary. Indeed, any reasonable review of the *Order* would demonstrate precisely the opposite—that the Commission painstakingly engaged with the voluminous public record in this proceeding (namely, the many substantive comments that meaningfully grappled with the policy issues raised in the Notice of Proposed Rulemaking) in reaching its conclusions. To the extent you are concerned with non-substantive comments submitted under multiple different names that stated simply that the commenter supported or was opposed to the Title II classification without substantive explanation, as you can see in the *Order*, the agency did not rely on or cite any such comments.

As noted above, the Commission is staunchly committed to transparency and integrity in rulemaking proceedings, including in connection with the *Restoring Internet Freedom* proceeding. To that end, when individuals contacted the Commission to complain that a comment was falsely filed in their name, the Commission responded by inviting them to file a statement to that effect in the public record. In addition, as noted above, members of the public had an opportunity to comment on the substance of the public draft released three weeks prior to the scheduled vote, pursuant to my transparency initiative.

In sum, in this proceeding, the Commission followed the well-established notice-and-comment process prescribed in the Administrative Procedure Act. That process resulted in an order consistent with both the Communications Act and the public interest.

I appreciate your interest in this matter. Your views are important and will be entered into the record of the proceeding. Please let me know if I can be of any further assistance.

Sincerely,

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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Maggie Hassan
United States Senate
B85 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Hassan:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

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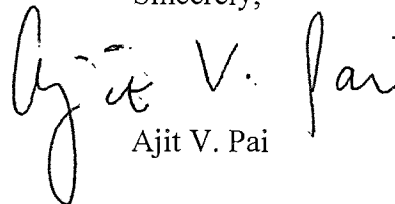
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Mark Warner
United States Senate
475 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Warner:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

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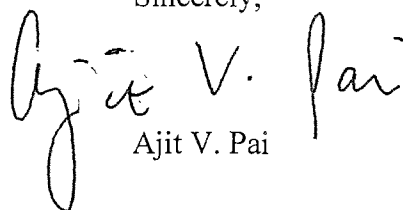
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Mazie K. Hirono
United States Senate
330 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Hirono:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

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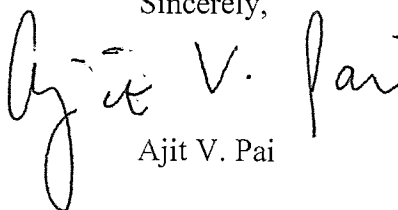
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Michael Bennet
United States Senate
261 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Bennet:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

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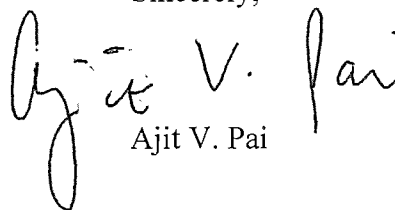
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Patty Murray
United States Senate
154 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Murray:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

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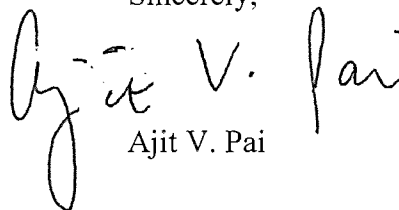
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Richard Blumenthal
United States Senate
706 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

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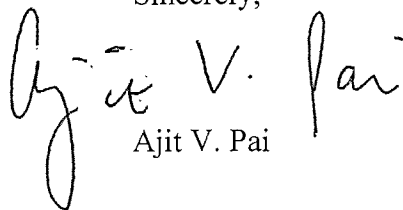
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

January 11, 2018

The Honorable Ron Wyden
United States Senate
221 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Wyden:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

The Commission is grateful to all commenters who engaged the legal and public policy questions presented in this rulemaking. These comments ensured that the Commission considered all important aspects of its proposal to reclassify broadband Internet access service as an "information service" and restore the "light-touch" regulatory framework that fostered a free and open Internet in the United States prior to 2015.

To be sure, this proceeding carried the potential for advocates on either side to abuse the process to create an appearance of numerical advantage. But the Commission does not make policy decisions merely by tallying the comments on either side of a proposal; were it otherwise, agency decisions would require not Commissioners exercising reasoned judgment but calculators performing a simple count. Nor does the Commission attribute greater weight to comments based on the submitter's identity. Accordingly, the Commission has never burdened commenters with providing identity verification or expended the massive amount of resources necessary to verify commenters' identities. Rather than dwell on how well automated or form submissions reflect actual popular support, the Commission has instead focused on encouraging robust participation in its proceedings and ensuring that it has considered how the substance of submitted comments bear on the legal and public policy consequences of its actions.

With respect to the 50,000 *informal* complaints you reference from the National Hispanic Media Coalition's FOIA request, we specifically addressed this issue in the *Order*. Notably, the Commission expended substantial resources to supply thousands of documents involving these

complaints, and supplied them long before the record closed. Indeed, the record remained open for over three months after the documents were produced pursuant to the FOIA request, which provided ample opportunity for the National Hispanic Media Coalition to submit them into the record.

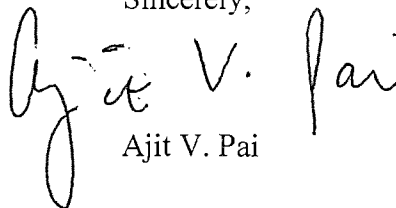
Despite any suggestion that the public comment process was somehow “flawed” or “tampered with” by the alleged submission of comments under false names, any such activity did not affect the Commission’s actual decision-making—that is, the agency’s ability to review the record, respond to comments that raised significant issues, and make a reasoned judgment. I am not aware of any evidence to the contrary. Indeed, any reasonable review of the *Order* would demonstrate precisely the opposite—that the Commission painstakingly engaged with the voluminous public record in this proceeding (namely, the many substantive comments that meaningfully grappled with the policy issues raised in the Notice of Proposed Rulemaking) in reaching its conclusions. To the extent you are concerned with non-substantive comments submitted under multiple different names that stated simply that the commenter supported or was opposed to the Title II classification without substantive explanation, as you can see in the *Order*, the agency did not rely on or cite any such comments.

As noted above, the Commission is staunchly committed to transparency and integrity in rulemaking proceedings, including in connection with the *Restoring Internet Freedom* proceeding. To that end, when individuals contacted the Commission to complain that a comment was falsely filed in their name, the Commission responded by inviting them to file a statement to that effect in the public record. In addition, as noted above, members of the public had an opportunity to comment on the substance of the public draft released three weeks prior to the scheduled vote, pursuant to my transparency initiative.

In sum, in this proceeding, the Commission followed the well-established notice-and-comment process prescribed in the Administrative Procedure Act. That process resulted in an order consistent with both the Communications Act and the public interest.

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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Sheldon Whitehouse
United States Senate
530 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Whitehouse:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

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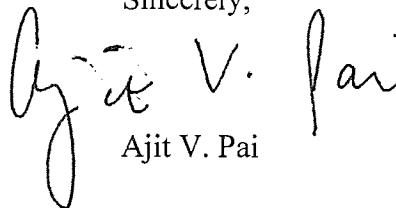
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Sherrod Brown
United States Senate
713 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Brown:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

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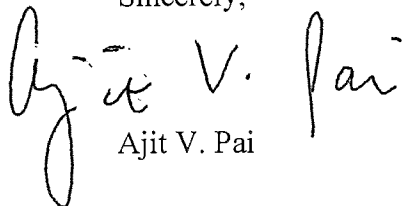
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Tammy Baldwin
United States Senate
717 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Baldwin:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

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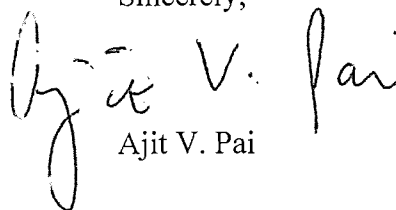
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Tammy Duckworth
United States Senate
G12 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Duckworth:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

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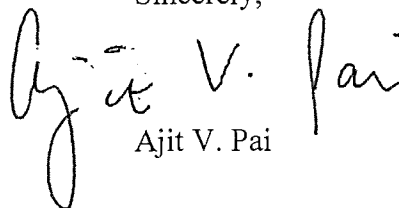
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

January 11, 2018

The Honorable Tim Kaine
United States Senate
231 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Kaine:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

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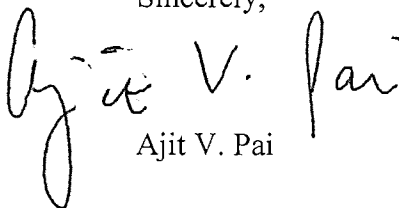
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Ajit V. Pai