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

Bernard Sanders
United States Senator

Catherine Cortez Masto
United States Senator

Tammy Duckworth
United States Senator

Jeanne Shaheen
United States Senator

Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

Edward J. Markey
United States Senator

Sheldon Whitehouse
United States Senator

Michael Bennet
United States Senator

Richard Blumenthal
United States Senator

Gary C. Peters
United States Senator
Patty Murray  
United States Senator

Ron Wyden  
United States Senator

Mazie K. Hirono  
United States Senator

Jack Reed  
United States Senator

Dianne Feinstein  
United States Senator

Jeffery A. Merkley  
United States Senator

Kirsten Gillibrand  
United States Senator

Amy Klobuchar  
United States Senator

Tammy Baldwin  
United States Senator

Charles E. Schumer  
United States Senator

Ben Cardin  
United States Senator

Mark Warner  
United States Senator

Tim Kaine  
United States Senator

Angus S. King, Jr.  
United States Senator
Al Franken
United States Senator

Cory A. Booker
United States Senator
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.

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,

Ajit V. Pai
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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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,

Ajit V. Pai
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.

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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,

Ajit V. Pai

Ajit V. Pai
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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Sincerely,

Ajit V. Pai
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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Sincerely,

Ajit V. Pai
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.

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Sincerely,

Ajit V. Pai

Ajit V. Pai
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.

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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,

Ajit V. Pai

Ajit V. Pai
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.

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.

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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,

Ajit V. Pai

Ajit V. Pai
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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Sincerely,

Ajit V. Pai

Ajit V. Pai
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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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,

Ajit V. Pai
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 scheduled vote took place. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

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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,

Ajit V. Pai
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.

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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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,

Ajit V. Pai
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.

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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,

Ajit V. Pai

Ajit V. Pai
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.

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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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,

Ajit V. Pai
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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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,

Ajit V. Pai
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.

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.

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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,

Ajit V. Pai
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.

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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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.

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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,

Ajit V. Pai
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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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,

Ajit V. Pai
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.

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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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,

Ajit V. Pai

Ajit V. Pai
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.

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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,

Ajit V. Pai
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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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,

Ajit V. Pai

Ajit V. Pai
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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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,

Ajit V. Pai

Ajit V. Pai
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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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,

Ajit V. Pai
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.

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,

Ajit V. Pai
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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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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Sincerely,

Ajit V. Pai

Ajit V. Pai