

United States Senate

November 28, 2017

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

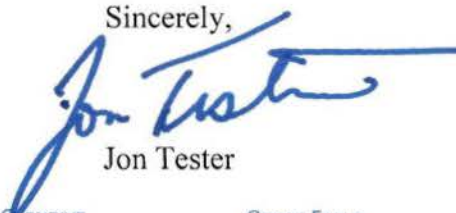
Dear Chairman Pai:

I write to express deep concern with your recent proposal to fully repeal current net neutrality rules designed to guarantee an open internet for all Americans. The proposal, called the Restoring Internet Freedom Order, will make it possible for large multi-national corporations to block websites, purposefully slow down internet access, and routinely interfere with web traffic. In fact, the only true freedom in your Order is the freedom for these large corporations to reduce consumer choice, control the flow of internet information and increase profits at the expense of everyday Montanans. I strongly urge you to reverse course on your net neutrality proposal and put the American people's ability to openly access the internet before corporate bottom lines.

Montanans expect unfettered access to the web, which means absolutely no blocking websites, no paid prioritization, and no throttling speeds. Unlike other countries with governments that enable or engage in website blocking or other web interference, Americans have long enjoyed open access to the internet without the fear of corporate censorship or lack of web browsing choice. The current openness of the internet allows innovators and entrepreneurs to create jobs, communities to keep citizens safe and informed and students to access endless information. Your proposal to cut off the open internet threatens this era of tremendous growth, heightened public safety and free flowing access to information.

As the Commission considers your net neutrality proposal in the coming weeks, I ask that you listen to the Americans who are rightfully demanding an open internet and rescind this corporate backed proposal. I believe Congress should work on codifying basic open internet rules, so the Commission can turn its attention to broadband deployment in rural America. Montana's small carriers are working incredibly hard to serve the hardest to reach places and they could use your help right-sizing the Universal Service Fund to finish the job. In order to compete in a 21st century economy, Montana businesses, students and consumers need access to a free and open internet and they need an FCC committed to promoting infrastructure. Thank you for your consideration.

Sincerely,



Jon Tester



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 9, 2018

The Honorable Jon Tester
United States Senate
311 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Tester:

Thank you for your letter regarding your concern with the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission reverse course prior to 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.

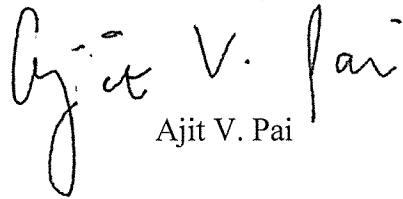
To be sure, this proceeding carried the potential for advocates on either side to abuse the process to create an appearance of numerical advantage. But the Commission does not make policy decisions merely by tallying the comments on either side of a proposal; were it otherwise, agency decisions would 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.

You mentioned in your letter that the FCC should be committed to right-sizing the Universal Service Fund and promoting infrastructure to assist small carriers in Montana to deploy broadband in hard to reach areas of rural America. Having heard from numerous small

companies on this issue, I believe the light-touch framework we adopted in the *Restoring Internet Freedom Order* will help spur investment in broadband networks, particularly in the hardest to reach areas. What is more, I've heard from community leaders, Congress, and carriers that insufficient, unpredictable universal service funding has kept them from connecting all Americans. With the \$500 million in new funding provided by an order I circulated to my colleagues earlier this month, we'll boost broadband deployment in rural America and put our high-cost system on a more efficient path, helping to ensure that every American can benefit from the digital revolution.

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,

A handwritten signature in black ink that reads "Ajit V. Pai". The signature is written in a cursive, flowing style. The first name "Ajit" is written with a large, stylized 'A' and 'j'. The middle initial "V." is written in a smaller, more formal script. The last name "Pai" is written with a large, stylized 'P' and 'i'.

Ajit V. Pai