

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Protecting the Privacy of Customers of Broadband and Other Telecommunications Services
) WC Docket No. 16-106

Comments of:

The Taxpayers Protection Alliance
In Support of the Petitions for Reconsideration

March 6, 2017

Members of the Federal Communications Commission:

The Taxpayers Protection Alliance (TPA), on behalf of our members across the country, submit the following comments in support of the 11 **Petitions for Reconsideration** of the Federal Communications Commission (FCC) Order in the Matter of Protecting the Privacy of Customers of Broadband and Other Telecommunications Services (WC Docket No. 16-106) (Privacy Order), filed on January 3, 2017.

TPA is a non-profit, non-partisan organization dedicated to educating the public through the research, analysis and dissemination of information on the impact of government policies. TPA has previously made statements on the record opposing former Chairman Tom Wheeler's new regulations on broadband privacy rules for Internet Service Providers (ISPs). Now, with new leadership on the Commission and the 11 petitions for reconsideration, TPA urged the FCC to abandon these overreaching and unnecessary privacy rules.

Upon approval of the new authority that the Privacy Order put in place, TPA expressed strong disapproval of the rule, noting that this new authority threatened the personal information of consumers using the Internet.

Privacy is an important concern for Americans, especially as technology continues to advance for consumers. The underlying reasoning used to approve this rule was that FCC should have a larger role in how privacy issues are handled when it comes to what information consumers are giving to ISPs, despite the fact the Federal Trade Commission (FTC) has traditionally had

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jurisdiction over online privacy. The FTC also challenged the idea that web browsing and app usage should be subject to the kinds of regulations that this rule puts in place. In reality, this is just yet another avenue designed to give the FCC more control over the Internet that should be open.

On the process, the proceeding approving the Privacy Order was another example of how intrusive the FCC had become under the leadership of former Chairman Wheeler. Partisan votes, a tilt toward regulation, and agency overreach were all components of the Privacy Order

TPA criticized the order and the Commissioners who helped pass the regulatory attack on the Internet. The Privacy Order represents the exact opposite of what should be a primary concern for the FCC, preserving and promoting a free and open Internet. The order also marked another example of former Chairman Wheeler's attempting to grow the power of the FCC and take as much control of the Internet as possible, all while overstepping his authority in the process.

A number of stakeholders have weighed in, citing that the stay on Privacy Order now provides an opportunity for the FCC to work with FTC in order to make sure that consumers are protected and privacy is preserved, two things that did not apply to the original order. The FTC is better equipped for consumer protection because that is already under their jurisdiction; they have a budget dedicated to it, staff that are professionally experienced at it, and a mission that comports with that ideal.

It is critical to remember that fellow Commissioners at the FCC, the FTC, proponents of consumer protection and an open Internet, and privacy advocates all criticized this order. There is broad agreement amongst stakeholders that the order was wrong, and that the FCC should be working with the FTC in order make sure that consumers are protected on the Internet, while ensuring there is no regulatory overreach.

The Internet was under enormous threat from former Chairman Wheeler and his tenure at the FCC was marred by continuous attacks on innovation, privacy, and intellectual property. The new leadership of the FCC and fellow Commissioners should take the concerns of the Petitions for Reconsideration seriously, and the broadband Privacy Order should be abandoned.

Sincerely,



David Williams
President