

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

Dear Chairman Pai:

We are writing to urge you to cancel today's vote on the Restoring Internet Freedom Order (Docket 17-108). This is a matter of enormous importance with significant implications for our entire economy, and therefore merits the most thorough, deliberate, and thoughtful process that can be provided. The process thus far in this important matter has not met that standard.

Repealing the FCC's net neutrality rules will undermine longstanding protections that have ensured the open internet as a powerful and transformative platform of innovation and economic opportunity. We are concerned about the proposed order's impact on the free market that has driven growth in our economy for years, and the potential adverse effect on rural America's ability to realize the internet's full potential. Given that this change will affect every sector of the U.S. economy, we are also concerned about the speed of the process, the lack of public hearings, and the underlying rationale for repealing net neutrality without an adequate replacement.

For decades, FCC chairs from both parties have used a mix of tools including enforcement actions and policy statements to ensure that American consumers can access online content, educational services, and important applications without fear of discriminatory practices or content blocking. Unfortunately, your proposal repeals common sense protections that today prohibit internet service providers (ISPs) from blocking lawful content, charging websites and services for access to subscribers, creating pay-for-play fast lanes, and engaging in unreasonable discrimination. The proposal removes basic oversight over broadband provider practices that would impede the internet's ability to serve our democracy, empower consumers, and fuel economic growth.

By replacing these protections with a limited transparency requirement and enforcement by the Federal Trade Commission (FTC), rather than the FCC, this proposal fails to ensure that the open internet will continue to benefit and drive innovation in our economy. The FTC's definition of anti-competitive conduct would likely allow most violations of current net neutrality protections, including allowing ISPs to charge websites and services for access and fast lanes to customers, promote certain content over others, and to otherwise engage in discriminatory practices.

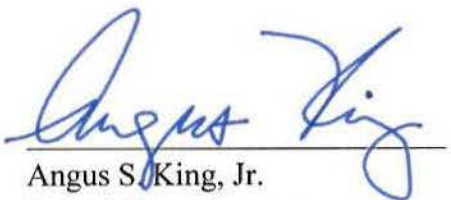
The open internet has fostered a dynamic digital economy, connected communities, and provided small businesses and startups unlimited opportunities to create and develop content and technologies that have improved lives all across the globe. Net neutrality has ensured that the internet has been a level playing field leading to the online entrepreneurial explosion unparalleled in American history, changing nearly every facet of Americans' lives and bringing

efficiency to every market in our economy. Removing these protections - and thus market certainty - would cause immediate harm to the innovation economy. Access fees, fast lanes, and preferential treatment of content would undermine the openness of the internet and disproportionately hurt startups' and small businesses' ability to compete with entrenched incumbents, discouraging investment in early stage companies.

Beyond these market effects, the proposal removes FCC oversight over interconnection points that allow rural carriers to connect with the rest of the internet, and hinders rural carriers' ability to deploy broadband in underserved areas, undermining efforts to bring adequate broadband to all Americans. This is especially important in the context of information services. We also believe it is critical that the FCC craft a framework to ensure that no carrier's network management practices have the effect of degrading the customer experience on other networks. Simply repealing the 2015 Net Neutrality rules will not put that framework into place. The FCC should not set aside the 2015 framework without addressing the legitimate concerns of rural providers and ensuring the availability of tools to support the continued buildout of rural broadband.

Given these concerns, we believe a more careful, deliberative process involving experts and the public is warranted, just as you called for in the 2014 proceedings. We respectfully ask that the Commission cancel the vote on the proposed order as scheduled and give Congress and the FCC the time to hold public hearings in 2018 in order to investigate the best way to ensure citizens and our economy have strong net neutrality protections that guarantee consumer choice, free markets, and continued growth. Thank you for your consideration of this important matter and please do not hesitate to be in touch if you have any questions.

Sincerely,



Angus S. King, Jr.  
United States Senator



Susan M. Collins  
United States Senator





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

April 19, 2018

The Honorable Susan Collins  
United States Senate  
413 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senator Collins:

Thank you for your letter regarding the *Restoring Internet Freedom Order*, which reestablished the authority of the Federal Trade Commission to oversee the network management practices of Internet service providers while returning to the light-touch legal framework that governed such practices for almost twenty years.

At the dawn of the commercial Internet in 1996, President Clinton and a Republican Congress agreed that it would be the policy of the United States "to preserve the vibrant and competitive free market that presently exists for the Internet . . . unfettered by Federal or State regulation." This bipartisan policy worked. Encouraged by light-touch regulation, the private sector invested over \$1.5 trillion to build fixed and mobile networks throughout the United States. Innovators and entrepreneurs grew startups into global giants. America's Internet economy became the envy of the world.

Then, in early 2015, the FCC jettisoned this successful, bipartisan approach to the Internet and decided to subject the Internet to utility-style regulation designed in the 1930s to govern Ma Bell. This decision was a mistake. For one thing, there was no problem to solve. The Internet wasn't broken in 2015. We weren't living in a digital dystopia. To the contrary, the Internet had been a stunning success.

Not only was there no problem, this "solution" hasn't worked. The main complaint consumers have about the Internet is not and has never been that their Internet service provider is blocking access to content. It's that they don't have access at all or enough competition between providers. The 2015 regulations have taken us in the opposite direction from these consumer preferences. Under Title II, annual investment in high-speed networks declined by billions of dollars—the first time that such investment has gone down outside of a recession in the Internet era. And our recent Broadband Deployment Report shows that the pace of both fixed and mobile broadband deployment declined dramatically in the two years following the *Title II Order*.

Returning to the legal framework that governed the Internet from President Clinton's pronouncement in 1996 until 2015 is not going to destroy the Internet. It is not going to end the Internet as we know it. It is not going to undermine the free exchange of ideas or the fundamental truth that the Internet is the greatest free market success story of our lifetimes.

By returning to the light-touch Title I framework, we are helping consumers and promoting competition. Broadband providers will have stronger incentives to build networks, especially in unserved areas, and to upgrade networks to gigabit speeds and 5G. This means there will be more competition among broadband providers. It also means more ways that companies of all kinds and sizes can deliver applications and content to more users. In short, it's a freer and more open Internet.

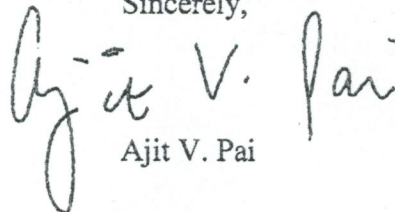
The *Restoring Internet Freedom Order* also promotes more robust transparency among ISPs than existed three years ago. It requires ISPs to disclose a variety of business practices, and the failure to do so subjects them to enforcement action. This transparency rule will ensure that consumers know what they're buying and that startups get information they need as they develop new products and services.

Moreover, we reestablish the Federal Trade Commission's authority to ensure that consumers and competition are protected. Two years ago, the *Title II Order* stripped the FTC of its jurisdiction over broadband providers by deeming them all Title II "common carriers." But now we are putting our nation's premier consumer protection cop back on the beat.

In sum, Americans will still be able to access the websites they want to visit. They will still be able to enjoy the services they want to enjoy. There will still be regulation and regulators guarding a free and open Internet. This is the way things were prior to 2015, and this is the way they will be in the future.

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 simple, clear font. The last name "Pai" is written with a large, stylized 'P' and 'i'.

Ajit V. Pai





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United States Senate  
133 Hart Senate Office Building  
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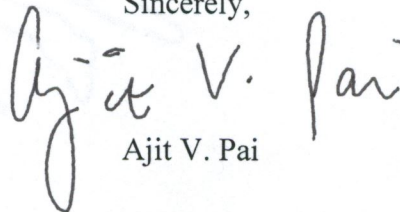
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Ajit V. Pai