

Congress of the United States
House of Representatives
Washington, DC 20515-3309

1034

DISTRICT OFFICES:
5970 FAIRVIEW ROAD
SUITE 430
CHARLOTTE, NC 28210
(704) 362-1060
FAX: (704) 365-6384

100 W. JEFFERSON STREET
SUITE 1A
MONROE, NC 28112
(704) 917-9573

301 GREEN STREET
SUITE 315
FAYETTEVILLE, NC 28301
(910) 303-0669

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

Dear Chairman Pai:

Thank you for your efforts to reduce the regulatory burdens imposed on the market and promote open policies. The actions and efforts of the Trump Administration have breathed life into many small businesses across the country.

In principle, rolling back regulations and simplifying compliance rules for businesses should lead to more jobs being created – a goal which I know we all share. However, in the particular case of Net Neutrality, I have been approached by a number of small businesses that are concerned that the lack of competition in the Internet Service Provider (ISP) market that could lead to monopolistic behavior. This is very concerning.

Many of my constituents, specifically small and local radio stations, have raised concerns over the repeal of Net Neutrality. Such companies have stated that blocking and throttling by ISPs would be a serious problem for the industry as they attempt to further connect with their listeners through online engagement. Some in the media have claimed that there have been cases of slowing or blocking certain websites. Also, there are worries that this may mean the government will allow a select few ISPs and large technology companies to have a tremendous amount of control of the Internet. This could have serious unintended consequences which may stifle innovation and lead to fewer jobs created. Small, community based radio stations play a meaningful and valuable role to their communities.

Therefore, I ask:

- How does the FCC intend to address the concerns of small businesses regarding the repeal of Net Neutrality that may lead to a lack of competition in the ISP market?
- Are you aware of any documented cases of slowing, blocking, and throttling by ISPs of certain websites?
- Do you plan to accompany the elimination of Net Neutrality with deregulating efforts to expand and open the construction of needed Internet infrastructure in order to ensure sufficient competition?
- What anti-trust remedies does the FCC have to address this matter in the case of abuse?
- Does the FCC plan to provide proper oversight of large technology companies that have used their increasing market share to stifle outside opinions, including recent examples of algorithms being altered to reduce conservative search results?

- How does this new policy affect the FCC's ability to combat ISPs and technology companies' complicity in foreign censorship of the internet?

Respectfully, I look forward to your prompt response and continued engagement with me on this matter.

Regards,

A handwritten signature in blue ink that reads "Robert Pittenger". The signature is written in a cursive, flowing style.

Robert Pittenger
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

April 27, 2018

The Honorable Robert Pittenger
U.S. House of Representatives
224 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Pittenger:

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.

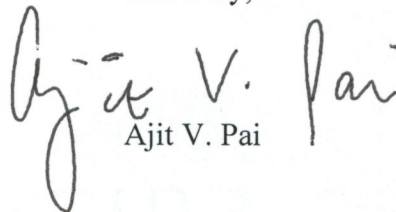
The *Restoring Internet Freedom Order* also promotes more robust transparency among ISPs than existed three years ago. It requires ISPs to disclose a variety of business practices, and the failure to do so subjects them to enforcement action. This transparency rule will ensure that consumers know what 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,


Ajit V. Pai