

United States Senate
WASHINGTON, DC 20510

July 7, 2017

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

Dear Chairman Pai:

As you stated in your June 15 letter, the Federal Communications Commission (FCC) previously suffered a “non-traditional DDoS attack,” which prevented the public from commenting on ongoing proceedings. We therefore write to ensure the FCC is prepared for the upcoming July 12 Day of Action to protect strong net neutrality rules.

On July 12, 2017, thousands of individuals will comment on Docket 17-108, a notice of proposed rulemaking that will roll back strong net neutrality protections, using the FCC’s website or through a third-party. As we have stated previously, it is critical to the rulemaking and regulatory process that the public be able to take part without unnecessary technical or administrative burden. The FCC must be able to accept all comments filed to ensure that all voices are heard.

Many individuals submitting comments do so through a third-party that connects to your comment filing system application programming interface (API). As you stated in your letter, on May 7-8, the API for your Electronic Communication Filing System (ECFS) was disabled by what you refer to as a “non-traditional DDoS” attack, which left individuals unable to comment, even if they were not attempting to use your API. This was an unacceptable mistake that left Americans disenfranchised from your comment process.

Due to the timing of the May 7-8 attack, which took place after a television host’s call to action, we are concerned that a similar attack may be planned to disrupt the Day of Action. We encourage you to seek out and employ ECFS measures that allow for flexible scalability and alternative methods of filing. Additionally, if it is known internally that the ECFS will not be able to withstand an attack similar to the May 7-8 attack, we urge you to undertake temporary measures to ensure a functioning system on and around the anticipated surge of legitimate comments. In case the ECFS is disabled through some new type of attack, it is critical that Americans be able to file a comment using other means. We request that you make available an alternative mechanism for the public to file a comment including either through the FCC’s own website and/or via a dedicated email address.

Thank you for your time and attention to this matter. Please respond to our staffs by July 11 indicating that necessary precautions are being taken. For any questions or clarifications, please contact Anderson Heiman of Senator Wyden’s staff and Melika Carroll of Senator Schatz’s staff.



Ron Wyden
United States Senator

Sincerely,



Brian Schatz
United States Senator



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2017

The Honorable Ron Wyden
United States Senate
221 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Wyden:

Thank you for your letter regarding the precautions that the Federal Communications Commission is taking to protect the FCC's comment filing process in advance of the expected activity on July 12 described in your letter. As I indicated in my June 15 letter to you, the cyber-based attack against the Commission's Electronic Comment Filing System (ECFS) on May 7-8 was a very serious matter. And in response to this incident, my office directed our Chief Information Officer to take measures to secure the integrity of the comment filing system and report back to us routinely on this work.

Over the course of the last two months, the Commission has taken a series of steps to mitigate the chances of a disruption similar to the one that took place on May 7-8 from occurring again. And during the comment period following the adoption of the Restoring Internet Freedom Notice of Proposed Rulemaking, our comment filing system has performed well to date. Indeed, the Commission has received over 600,000 comments in the last thirty days, and the docket now contains more than six million comments overall, demonstrating that the Commission's processes are facilitating widespread public participation in this proceeding.

In preparation for July 12, the Commission's IT professionals have taken additional measures to safeguard our comment filing system. Moreover, they will be on high alert over the next 48 hours and ready to respond as quickly as possible to any attacks. Given the nature of this situation, however, I believe that publicly disclosing the specific steps that we are taking could undermine their efficacy.

Of course, it is important to recognize that malicious actors seeking to cause disruptions have many tools at their disposal, as well. The Commission therefore cannot guarantee that any attacks launched against us will not have an impact.

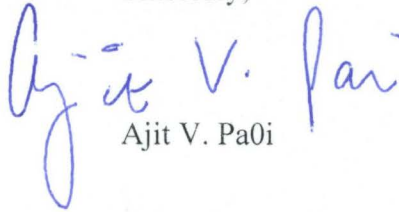
Filers wishing to submit comments to the FCC have four alternatives. They can file using the normal web interface. They can file through the API. They can submit comments using the electronic inbox and the Restoring Internet ECFS Bulk Upload Template. And they can submit a written comment. Should any of these methods be temporarily disrupted or unavailable, members of the public can use an alternative method or wait until the incident has ended. Given the length of time that the Commission has provided for public comment (90 days) as well as the multiple avenues available for submitting such comments, everyone seeking to

Page 2—The Honorable Ron Wyden

participate in this proceeding will have a chance to make his or her voice heard on this important subject.

I appreciate your interest in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ajit V. Paoli". The signature is fluid and cursive, with the first name "Ajit" being the most prominent part.

Ajit V. Paoli



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2017

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United States Senate
722 Hart Senate Office Building
Washington, D.C. 20510

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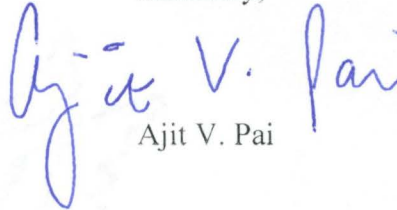
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