

Congress of the United States  
Washington, DC 20515

98

WEB  
Innovation  
Open Internet

February 3, 2015

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

Dear Chairman Wheeler:

We write to urge the Federal Communications Commission (FCC) to guarantee Net Neutrality by reclassifying broadband under Title II of the Communications Act. Reclassification would provide the Commission with unequivocal legal authority to promulgate Open Internet rules for both mobile and wireline, while allowing exceptions for reasonable network management.<sup>i</sup> This parity will best protect communities of color who disproportionately rely on mobile broadband. As the D.C. Circuit Court ruled in *Verizon v. FCC*, relying on Section 706 of the Telecommunications Act is not sufficient to protect an Open Internet. The only means of guaranteeing Net Neutrality is to reclassify ISPs as common carriers.

While the Internet has spurred small business growth, enriched our children's education, and helped communities to organize, a digital divide persists. Only 64 percent of African American households have adopted broadband services at home. Adoption is even lower in Hispanic households where only slightly more than half (53 percent) have broadband. In contrast, the national average is 70 percent, with broadband in 74 percent of White households.<sup>ii</sup> Lack of access to the Internet prevents Americans from finding job opportunities, gaining relevant skills, and signing up for health care coverage.

Wireless broadband access via mobile devices has been essential to narrowing this divide. Despite the low adoption rates of broadband at home, 56 percent of African Americans report owning smartphones.<sup>iii</sup> The need to protect mobile Internet access is underscored by the 43 percent of African Americans, and 60 percent of Latinos who rely on mobile phones as their primary means of access to the Internet.<sup>iv</sup>

As mobile devices become a growing gateway to the Internet, we urge the Commission to adopt a common regulatory framework that applies strong network neutrality protections to users of both wireless and wireline networks. Public libraries, where many rely on the use of Internet to do homework, search for jobs, or file taxes, now lend out mobile hotspots to patrons who do

not have broadband services at home. Various municipalities and community institutions have utilized mobile hotspots or devices to improve access in their cities. The FCC should preserve access to the entire Internet for all Americans, taking special care to protect the mobile broadband experience, which will preserve an essential opportunity for those who are already underserved. Parity between mobile and wireline broadband will ensure that current and future initiatives to bridge the digital divide will not be undermined or discouraged.

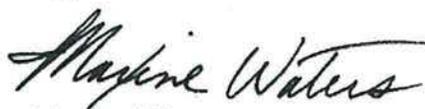
Further, strong rules that guarantee an Open Internet are important to minority-owned businesses. An Open Internet lowers barriers to entry and allows businesses of all sizes to compete on a global scale. Major mobile broadband providers have already blocked or hindered popular business tools such as mobile payments, Voice over Internet Protocol (VoIP) services, and streaming video. ISP providers set up tolls and slower lanes. These practices will continue and worsen without decisive action by the Commission. The FCC should adopt strong Open Internet rules to support businesses and foster fair competition regardless of firm size.

As the FCC considers the nearly 4 million comments that were submitted regarding Net Neutrality, we urge you to reclassify broadband services under Title II. The Commission has already acknowledged that people in underserved communities are less likely to have access to broadband at home. While mobile is not yet an effective substitute to home broadband access, communities of color have grown increasingly dependent on wireless service and mobile devices to close the digital divide. The FCC should promulgate rules that will ensure equal access for all Americans, regardless of whether they access the Internet in their homes or through mobile devices.

Sincerely,



Keith Ellison  
Member of Congress



Maxine Waters  
Member of Congress



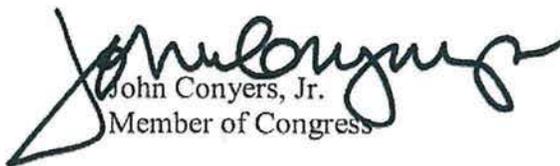
Donald S. Beyer, Jr.  
Member of Congress



Earl Blumenauer  
Member of Congress



André Carson  
Member of Congress



John Conyers, Jr.  
Member of Congress



Sam Farr  
Member of Congress



Janice Hahn  
Member of Congress



Marcy Kaptur  
Member of Congress



Sheila Jackson Lee  
Member of Congress



Zoe Lofgren  
Member of Congress



Jim McDermott  
Member of Congress



Richard Nolan  
Member of Congress



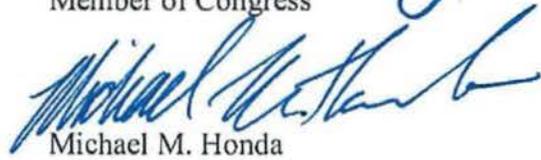
Beto O'Rourke  
Member of Congress



Tim Ryan  
Member of Congress



Raul M. Grijalva  
Member of Congress



Michael M. Honda  
Member of Congress



Barbara Lee  
Member of Congress



John Lewis  
Member of Congress



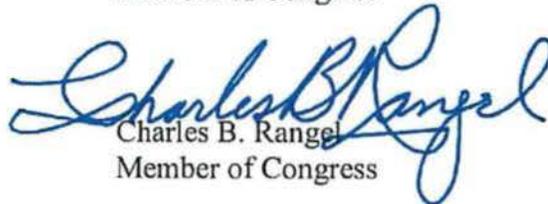
Betty McCollum  
Member of Congress



Jerrold Nadler  
Member of Congress



Eleanor Holmes Norton  
Member of Congress



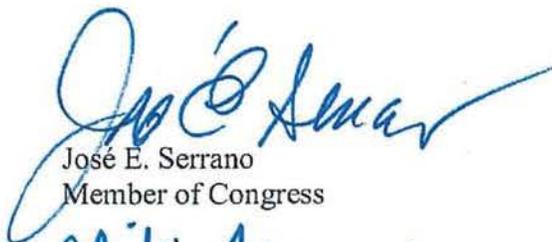
Charles B. Rangel  
Member of Congress



Jan Schakowsky  
Member of Congress



Robert C. Scott  
Member of Congress



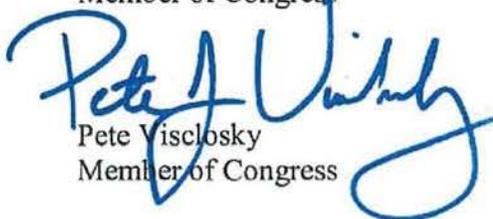
José E. Serrano  
Member of Congress



Louise M. Slaughter  
Member of Congress



Niki Tsongas  
Member of Congress



Pete Visclosky  
Member of Congress



Donna F. Edwards  
Member of Congress

Cc: Ms. Mignon Clyburn, Commissioner, Federal Communications Commission  
Ms. Jessica Rosenworcel, Commissioner, Federal Communications Commission  
Mr. Ajit Pai, Commissioner, Federal Communications Commission  
Mr. Michael O'Reilly, Commissioner, Federal Communications Commission

<sup>i</sup> Open Internet rules would prohibit blocking, throttling, and paid prioritization to guarantee Net Neutrality.

<sup>ii</sup> Kathryn Zickuhr and Aaron Smith, *Home Broadband 2013*, Pew Research Internet Project (Aug 26, 2013) Available:

<http://www.pewinternet.org/2013/08/26/home-broadband-2013/> (Last accessed Dec 22, 2014)

Pew does not conduct research on Asian American technology use. See: <http://www.pewinternet.org/2013/03/29/why-pew-internet-does-not-regularly-report-statistics-for-asian-americans-and-their-technology-use/> (Last accessed Dec 11, 2014)

The National Telecommunications and Information Administration and the Economics and Statistics Administration at the Department of Commerce reported in 2011 that adoption among Asian American households was at 81 percent. Their numbers, slightly lower because of the time lapse, indicate that 55 percent of African American households, 57 percent of Hispanic households, and 72 percent of White households had broadband at home. The full report can be found here:

[http://www.ntia.doc.gov/files/ntia/publications/exploring\\_the\\_digital\\_nation\\_computer\\_and\\_internet\\_use\\_at\\_home\\_11092011.pdf](http://www.ntia.doc.gov/files/ntia/publications/exploring_the_digital_nation_computer_and_internet_use_at_home_11092011.pdf) (Last accessed Dec 11, 2014)

<sup>iii</sup> Aaron Smith, *African Americans and Technology Use: Detailed Demographic Tables*, Pew Research Internet Project (January 6, 2014)

Available: <http://www.pewinternet.org/2014/01/06/detailed-demographic-tables/> (Last accessed January 6, 2015)

<sup>iv</sup> Aaron Smith and Macve Duggan, *Cell Internet Use 2013* Pew Research Internet Project (September 16, 2013) Available:

<http://www.pewinternet.org/2013/09/16/main-findings-2/> (last accessed Jan 26, 2015)



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 26, 2015

The Honorable Don Beyer  
U.S. House of Representatives  
431 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Beyer:

Thank you for contacting me to express your support for strong Open Internet rules grounded in our authority under Title II of the Communications Act. You also expressed specific concern regarding the need for platform parity between fixed and mobile connections, owing the significant role mobile services play in providing Internet access across the digital divide. I appreciate hearing your views, and your letter will be included in the record.

Over the past year, I have come to believe that there are three simple keys to our broadband future. Our broadband networks must be fast; our broadband networks must be fair; and our broadband networks must be open. On February 26, 2015, the Federal Communications Commission (FCC) voted to approve new rules designed to preserve the Internet as an open platform for innovation, investment, and free expression. Utilizing the combined authority of Title II of the Communications Act and Section 706 of the Telecommunications Act, these rules are rooted in long-standing regulatory principles, marketplace experience, and public input received over the last year. This Order represents the most open rulemaking in history and is based on months of listening to the views of policymakers outside the Commission, industry and public interest representatives, and millions of American consumers from all walks of life.

Based on the input of all these stakeholders, the FCC adopted the strongest possible open Internet protections. Specifically, we established bright-line rules banning paid prioritization, blocking, and throttling of legal content, along with a general conduct rule that can be used to stop new and novel threats to the Internet as they develop. Importantly, and consistent with the approach you support in your letter, these rules apply to both fixed and mobile broadband Internet access services. For the first time, mobile connections will be subject to the same bright-line bans on paid prioritization, blocking, and throttling, that apply to fixed broadband services. The approach we take in this Order provides clear rules of the road for all stakeholders, while ensuring there is also a referee in place to keep things fair in the future.

Strong rules need to be grounded in strong authority, and these rules are grounded in the strongest authority the FCC can utilize: a modernized application of Title II of the Communications Act, combined with Section 706 of the Telecommunications Act. I refer to this application of Title II as "modernized" because we have used the forbearance authority granted to us by Congress to ensure that we are not applying unreasonable conditions to these modern networks. In particular, the Order forbears from 27 provisions of Title II and more than 700 FCC rules and regulations. This forbearance is targeted to avoid major issues like rate regulation,

tariffing, and network unbundling, which would not be appropriate for the broadband Internet access industry, and is designed to preserve incentives for continued investment in broadband networks.

The FCC's new rules, grounded in strong Title II authority and applied to both fixed and mobile connections, carry the support of millions of Americans, and are poised to keep the Internet open and free for consumers and innovators for years to come.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 26, 2015

The Honorable André Carson  
U.S. House of Representatives  
2453 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Carson:

Thank you for contacting me to express your support for strong Open Internet rules grounded in our authority under Title II of the Communications Act. You also expressed specific concern regarding the need for platform parity between fixed and mobile connections, owing the significant role mobile services play in providing Internet access across the digital divide. I appreciate hearing your views, and your letter will be included in the record.

Over the past year, I have come to believe that there are three simple keys to our broadband future. Our broadband networks must be fast; our broadband networks must be fair; and our broadband networks must be open. On February 26, 2015, the Federal Communications Commission (FCC) voted to approve new rules designed to preserve the Internet as an open platform for innovation, investment, and free expression. Utilizing the combined authority of Title II of the Communications Act and Section 706 of the Telecommunications Act, these rules are rooted in long-standing regulatory principles, marketplace experience, and public input received over the last year. This Order represents the most open rulemaking in history and is based on months of listening to the views of policymakers outside the Commission, industry and public interest representatives, and millions of American consumers from all walks of life.

Based on the input of all these stakeholders, the FCC adopted the strongest possible open Internet protections. Specifically, we established bright-line rules banning paid prioritization, blocking, and throttling of legal content, along with a general conduct rule that can be used to stop new and novel threats to the Internet as they develop. Importantly, and consistent with the approach you support in your letter, these rules apply to both fixed and mobile broadband Internet access services. For the first time, mobile connections will be subject to the same bright-line bans on paid prioritization, blocking, and throttling, that apply to fixed broadband services. The approach we take in this Order provides clear rules of the road for all stakeholders, while ensuring there is also a referee in place to keep things fair in the future.

Strong rules need to be grounded in strong authority, and these rules are grounded in the strongest authority the FCC can utilize: a modernized application of Title II of the Communications Act, combined with Section 706 of the Telecommunications Act. I refer to this application of Title II as "modernized" because we have used the forbearance authority granted to us by Congress to ensure that we are not applying unreasonable conditions to these modern networks. In particular, the Order forbears from 27 provisions of Title II and more than 700 FCC rules and regulations. This forbearance is targeted to avoid major issues like rate regulation,

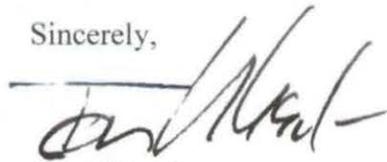
Page 2—The Honorable André Carson

tariffing, and network unbundling, which would not be appropriate for the broadband Internet access industry, and is designed to preserve incentives for continued investment in broadband networks.

The FCC's new rules, grounded in strong Title II authority and applied to both fixed and mobile connections, carry the support of millions of Americans, and are poised to keep the Internet open and free for consumers and innovators for years to come.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 26, 2015

The Honorable Donna Edwards  
U.S. House of Representatives  
2445 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Edwards:

Thank you for contacting me to express your support for strong Open Internet rules grounded in our authority under Title II of the Communications Act. You also expressed specific concern regarding the need for platform parity between fixed and mobile connections, owing the significant role mobile services play in providing Internet access across the digital divide. I appreciate hearing your views, and your letter will be included in the record.

Over the past year, I have come to believe that there are three simple keys to our broadband future. Our broadband networks must be fast; our broadband networks must be fair; and our broadband networks must be open. On February 26, 2015, the Federal Communications Commission (FCC) voted to approve new rules designed to preserve the Internet as an open platform for innovation, investment, and free expression. Utilizing the combined authority of Title II of the Communications Act and Section 706 of the Telecommunications Act, these rules are rooted in long-standing regulatory principles, marketplace experience, and public input received over the last year. This Order represents the most open rulemaking in history and is based on months of listening to the views of policymakers outside the Commission, industry and public interest representatives, and millions of American consumers from all walks of life.

Based on the input of all these stakeholders, the FCC adopted the strongest possible open Internet protections. Specifically, we established bright-line rules banning paid prioritization, blocking, and throttling of legal content, along with a general conduct rule that can be used to stop new and novel threats to the Internet as they develop. Importantly, and consistent with the approach you support in your letter, these rules apply to both fixed and mobile broadband Internet access services. For the first time, mobile connections will be subject to the same bright-line bans on paid prioritization, blocking, and throttling, that apply to fixed broadband services. The approach we take in this Order provides clear rules of the road for all stakeholders, while ensuring there is also a referee in place to keep things fair in the future.

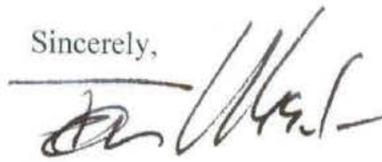
Strong rules need to be grounded in strong authority, and these rules are grounded in the strongest authority the FCC can utilize: a modernized application of Title II of the Communications Act, combined with Section 706 of the Telecommunications Act. I refer to this application of Title II as "modernized" because we have used the forbearance authority granted to us by Congress to ensure that we are not applying unreasonable conditions to these modern networks. In particular, the Order forbears from 27 provisions of Title II and more than 700 FCC rules and regulations. This forbearance is targeted to avoid major issues like rate regulation,

tariffing, and network unbundling, which would not be appropriate for the broadband Internet access industry, and is designed to preserve incentives for continued investment in broadband networks.

The FCC's new rules, grounded in strong Title II authority and applied to both fixed and mobile connections, carry the support of millions of Americans, and are poised to keep the Internet open and free for consumers and innovators for years to come.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", with a horizontal line drawn underneath the signature.

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 26, 2015

The Honorable Janice Hahn  
U.S. House of Representatives  
404 Cannon House Office Building  
Washington, D.C. 20515

Dear Congresswoman Hahn:

Thank you for contacting me to express your support for strong Open Internet rules grounded in our authority under Title II of the Communications Act. You also expressed specific concern regarding the need for platform parity between fixed and mobile connections, owing the significant role mobile services play in providing Internet access across the digital divide. I appreciate hearing your views, and your letter will be included in the record.

Over the past year, I have come to believe that there are three simple keys to our broadband future. Our broadband networks must be fast; our broadband networks must be fair; and our broadband networks must be open. On February 26, 2015, the Federal Communications Commission (FCC) voted to approve new rules designed to preserve the Internet as an open platform for innovation, investment, and free expression. Utilizing the combined authority of Title II of the Communications Act and Section 706 of the Telecommunications Act, these rules are rooted in long-standing regulatory principles, marketplace experience, and public input received over the last year. This Order represents the most open rulemaking in history and is based on months of listening to the views of policymakers outside the Commission, industry and public interest representatives, and millions of American consumers from all walks of life.

Based on the input of all these stakeholders, the FCC adopted the strongest possible open Internet protections. Specifically, we established bright-line rules banning paid prioritization, blocking, and throttling of legal content, along with a general conduct rule that can be used to stop new and novel threats to the Internet as they develop. Importantly, and consistent with the approach you support in your letter, these rules apply to both fixed and mobile broadband Internet access services. For the first time, mobile connections will be subject to the same bright-line bans on paid prioritization, blocking, and throttling, that apply to fixed broadband services. The approach we take in this Order provides clear rules of the road for all stakeholders, while ensuring there is also a referee in place to keep things fair in the future.

Strong rules need to be grounded in strong authority, and these rules are grounded in the strongest authority the FCC can utilize: a modernized application of Title II of the Communications Act, combined with Section 706 of the Telecommunications Act. I refer to this application of Title II as "modernized" because we have used the forbearance authority granted to us by Congress to ensure that we are not applying unreasonable conditions to these modern networks. In particular, the Order forbears from 27 provisions of Title II and more than 700 FCC rules and regulations. This forbearance is targeted to avoid major issues like rate regulation,

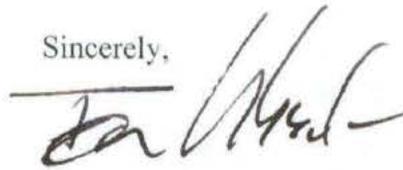
Page 2—The Honorable Janice Hahn

tariffing, and network unbundling, which would not be appropriate for the broadband Internet access industry, and is designed to preserve incentives for continued investment in broadband networks.

The FCC's new rules, grounded in strong Title II authority and applied to both fixed and mobile connections, carry the support of millions of Americans, and are poised to keep the Internet open and free for consumers and innovators for years to come.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", written over a horizontal line.

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 26, 2015

The Honorable Sheila Jackson Lee  
U.S. House of Representatives  
2160 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Jackson Lee:

Thank you for contacting me to express your support for strong Open Internet rules grounded in our authority under Title II of the Communications Act. You also expressed specific concern regarding the need for platform parity between fixed and mobile connections, owing the significant role mobile services play in providing Internet access across the digital divide. I appreciate hearing your views, and your letter will be included in the record.

Over the past year, I have come to believe that there are three simple keys to our broadband future. Our broadband networks must be fast; our broadband networks must be fair; and our broadband networks must be open. On February 26, 2015, the Federal Communications Commission (FCC) voted to approve new rules designed to preserve the Internet as an open platform for innovation, investment, and free expression. Utilizing the combined authority of Title II of the Communications Act and Section 706 of the Telecommunications Act, these rules are rooted in long-standing regulatory principles, marketplace experience, and public input received over the last year. This Order represents the most open rulemaking in history and is based on months of listening to the views of policymakers outside the Commission, industry and public interest representatives, and millions of American consumers from all walks of life.

Based on the input of all these stakeholders, the FCC adopted the strongest possible open Internet protections. Specifically, we established bright-line rules banning paid prioritization, blocking, and throttling of legal content, along with a general conduct rule that can be used to stop new and novel threats to the Internet as they develop. Importantly, and consistent with the approach you support in your letter, these rules apply to both fixed and mobile broadband Internet access services. For the first time, mobile connections will be subject to the same bright-line bans on paid prioritization, blocking, and throttling, that apply to fixed broadband services. The approach we take in this Order provides clear rules of the road for all stakeholders, while ensuring there is also a referee in place to keep things fair in the future.

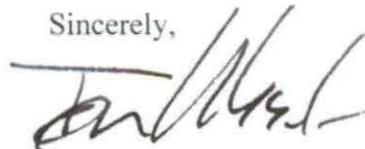
Strong rules need to be grounded in strong authority, and these rules are grounded in the strongest authority the FCC can utilize: a modernized application of Title II of the Communications Act, combined with Section 706 of the Telecommunications Act. I refer to this application of Title II as "modernized" because we have used the forbearance authority granted to us by Congress to ensure that we are not applying unreasonable conditions to these modern networks. In particular, the Order forbears from 27 provisions of Title II and more than 700 FCC rules and regulations. This forbearance is targeted to avoid major issues like rate regulation,

tariffing, and network unbundling, which would not be appropriate for the broadband Internet access industry, and is designed to preserve incentives for continued investment in broadband networks.

The FCC's new rules, grounded in strong Title II authority and applied to both fixed and mobile connections, carry the support of millions of Americans, and are poised to keep the Internet open and free for consumers and innovators for years to come.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", written over a horizontal line.

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 26, 2015

The Honorable Marcy Kaptur  
U.S. House of Representatives  
2186 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Kaptur:

Thank you for contacting me to express your support for strong Open Internet rules grounded in our authority under Title II of the Communications Act. You also expressed specific concern regarding the need for platform parity between fixed and mobile connections, owing the significant role mobile services play in providing Internet access across the digital divide. I appreciate hearing your views, and your letter will be included in the record.

Over the past year, I have come to believe that there are three simple keys to our broadband future. Our broadband networks must be fast; our broadband networks must be fair; and our broadband networks must be open. On February 26, 2015, the Federal Communications Commission (FCC) voted to approve new rules designed to preserve the Internet as an open platform for innovation, investment, and free expression. Utilizing the combined authority of Title II of the Communications Act and Section 706 of the Telecommunications Act, these rules are rooted in long-standing regulatory principles, marketplace experience, and public input received over the last year. This Order represents the most open rulemaking in history and is based on months of listening to the views of policymakers outside the Commission, industry and public interest representatives, and millions of American consumers from all walks of life.

Based on the input of all these stakeholders, the FCC adopted the strongest possible open Internet protections. Specifically, we established bright-line rules banning paid prioritization, blocking, and throttling of legal content, along with a general conduct rule that can be used to stop new and novel threats to the Internet as they develop. Importantly, and consistent with the approach you support in your letter, these rules apply to both fixed and mobile broadband Internet access services. For the first time, mobile connections will be subject to the same bright-line bans on paid prioritization, blocking, and throttling, that apply to fixed broadband services. The approach we take in this Order provides clear rules of the road for all stakeholders, while ensuring there is also a referee in place to keep things fair in the future.

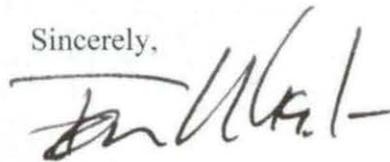
Strong rules need to be grounded in strong authority, and these rules are grounded in the strongest authority the FCC can utilize: a modernized application of Title II of the Communications Act, combined with Section 706 of the Telecommunications Act. I refer to this application of Title II as "modernized" because we have used the forbearance authority granted to us by Congress to ensure that we are not applying unreasonable conditions to these modern networks. In particular, the Order forbears from 27 provisions of Title II and more than 700 FCC rules and regulations. This forbearance is targeted to avoid major issues like rate regulation,

tariffing, and network unbundling, which would not be appropriate for the broadband Internet access industry, and is designed to preserve incentives for continued investment in broadband networks.

The FCC's new rules, grounded in strong Title II authority and applied to both fixed and mobile connections, carry the support of millions of Americans, and are poised to keep the Internet open and free for consumers and innovators for years to come.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", with a horizontal line above the first few letters.

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 26, 2015

The Honorable Jim McDermott  
U.S. House of Representatives  
1035 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman McDermott:

Thank you for contacting me to express your support for strong Open Internet rules grounded in our authority under Title II of the Communications Act. You also expressed specific concern regarding the need for platform parity between fixed and mobile connections, owing the significant role mobile services play in providing Internet access across the digital divide. I appreciate hearing your views, and your letter will be included in the record.

Over the past year, I have come to believe that there are three simple keys to our broadband future. Our broadband networks must be fast; our broadband networks must be fair; and our broadband networks must be open. On February 26, 2015, the Federal Communications Commission (FCC) voted to approve new rules designed to preserve the Internet as an open platform for innovation, investment, and free expression. Utilizing the combined authority of Title II of the Communications Act and Section 706 of the Telecommunications Act, these rules are rooted in long-standing regulatory principles, marketplace experience, and public input received over the last year. This Order represents the most open rulemaking in history and is based on months of listening to the views of policymakers outside the Commission, industry and public interest representatives, and millions of American consumers from all walks of life.

Based on the input of all these stakeholders, the FCC adopted the strongest possible open Internet protections. Specifically, we established bright-line rules banning paid prioritization, blocking, and throttling of legal content, along with a general conduct rule that can be used to stop new and novel threats to the Internet as they develop. Importantly, and consistent with the approach you support in your letter, these rules apply to both fixed and mobile broadband Internet access services. For the first time, mobile connections will be subject to the same bright-line bans on paid prioritization, blocking, and throttling, that apply to fixed broadband services. The approach we take in this Order provides clear rules of the road for all stakeholders, while ensuring there is also a referee in place to keep things fair in the future.

Strong rules need to be grounded in strong authority, and these rules are grounded in the strongest authority the FCC can utilize: a modernized application of Title II of the Communications Act, combined with Section 706 of the Telecommunications Act. I refer to this application of Title II as "modernized" because we have used the forbearance authority granted to us by Congress to ensure that we are not applying unreasonable conditions to these modern networks. In particular, the Order forbears from 27 provisions of Title II and more than 700 FCC rules and regulations. This forbearance is targeted to avoid major issues like rate regulation,

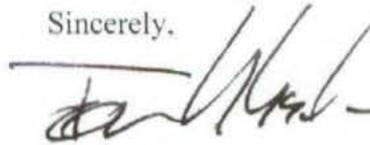
Page 2—The Honorable Jim McDermott

tariffing, and network unbundling, which would not be appropriate for the broadband Internet access industry, and is designed to preserve incentives for continued investment in broadband networks.

The FCC's new rules, grounded in strong Title II authority and applied to both fixed and mobile connections, carry the support of millions of Americans, and are poised to keep the Internet open and free for consumers and innovators for years to come.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", with a horizontal line above the first few letters.

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 26, 2015

The Honorable Jerrold Nadler  
U.S. House of Representatives  
2110 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Nadler:

Thank you for contacting me to express your support for strong Open Internet rules grounded in our authority under Title II of the Communications Act. You also expressed specific concern regarding the need for platform parity between fixed and mobile connections, owing the significant role mobile services play in providing Internet access across the digital divide. I appreciate hearing your views, and your letter will be included in the record.

Over the past year, I have come to believe that there are three simple keys to our broadband future. Our broadband networks must be fast; our broadband networks must be fair; and our broadband networks must be open. On February 26, 2015, the Federal Communications Commission (FCC) voted to approve new rules designed to preserve the Internet as an open platform for innovation, investment, and free expression. Utilizing the combined authority of Title II of the Communications Act and Section 706 of the Telecommunications Act, these rules are rooted in long-standing regulatory principles, marketplace experience, and public input received over the last year. This Order represents the most open rulemaking in history and is based on months of listening to the views of policymakers outside the Commission, industry and public interest representatives, and millions of American consumers from all walks of life.

Based on the input of all these stakeholders, the FCC adopted the strongest possible open Internet protections. Specifically, we established bright-line rules banning paid prioritization, blocking, and throttling of legal content, along with a general conduct rule that can be used to stop new and novel threats to the Internet as they develop. Importantly, and consistent with the approach you support in your letter, these rules apply to both fixed and mobile broadband Internet access services. For the first time, mobile connections will be subject to the same bright-line bans on paid prioritization, blocking, and throttling, that apply to fixed broadband services. The approach we take in this Order provides clear rules of the road for all stakeholders, while ensuring there is also a referee in place to keep things fair in the future.

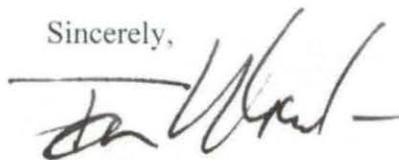
Strong rules need to be grounded in strong authority, and these rules are grounded in the strongest authority the FCC can utilize: a modernized application of Title II of the Communications Act, combined with Section 706 of the Telecommunications Act. I refer to this application of Title II as "modernized" because we have used the forbearance authority granted to us by Congress to ensure that we are not applying unreasonable conditions to these modern networks. In particular, the Order forbears from 27 provisions of Title II and more than 700 FCC rules and regulations. This forbearance is targeted to avoid major issues like rate regulation,

tariffing, and network unbundling, which would not be appropriate for the broadband Internet access industry, and is designed to preserve incentives for continued investment in broadband networks.

The FCC's new rules, grounded in strong Title II authority and applied to both fixed and mobile connections, carry the support of millions of Americans, and are poised to keep the Internet open and free for consumers and innovators for years to come.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Tom Wheeler