



## *Public Utility Commission of Texas*

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October 14, 2009

Chairman Julius Genachowski  
Federal Communications Commission  
445 12<sup>th</sup> St. SW  
Washington, DC 20554

RE: Broadcast Industry Practices (WC Docket 07052)

Dear Chairman Genachowski:

As chairman of the Texas Public Utility Commission, I have seen the critical role that the telecommunications industry plays in bringing broadband services to our residents and businesses statewide.

These services have not only improved the quality of life for Texans -- including many in rural areas -- but have helped our business community weather the current economic storm.

I am concerned that network neutrality regulation under consideration could lessen the innovation and investment that has characterized the telecom industry in Texas and has contributed so greatly to our economy.

As a state regulator, I ask the FCC to recognize that changing current federal policy in regulating the Internet could dampen the innovation we've grown to expect from the telecommunications sector. I urge you to proceed with caution.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry T. Smitherman".

Barry T. Smitherman

CC: Commissioner Meredith Attwell Baker  
Commissioner Mignon Clyburn  
Commissioner Michael J. Copps  
Commissioner Robert M. McDowell

