

United States Senate
WASHINGTON, DC 20510

October 13, 2009

1694

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20515

Dear Chairman Genachowski:

Congratulations on chairing the Federal Communications Commission at a critical time in our nation's history. We appreciate your willingness to serve and hope to have an open dialogue with you during your time in office.

Despite the economic hardships currently facing many industries, broadband continues to grow. Internet service providers continue to heavily invest private capital in research and improved broadband service. Private sector investment in broadband, which exceeds annual federal investment in transportation infrastructure, is directly responsible for creating millions of jobs. When the government picks winners and losers in the marketplace, the incentive to invest disappears.

We fear that the proposals you announced during your September 21, 2009 speech will be counterproductive and risk harming the great advancements in broadband speed and deployment that we have witnessed in recent years and will limit the freedom of the Internet.

It appears that your decision to create new Commission rules is outcome-driven. Your promulgating network neutrality rules seems to emanate from a fear that there may be some problems related to openness in "the future." Of the only two Internet-related disputes to date cited in your speech, one occurred five years ago. Our view is that it is harmful for the Commission to impose industry-wide rules based upon speculation about what may occur in the future.

You recognize that significant progress with respect to broadband deployment has been made "thanks to substantial investment and technological ingenuity." Broadband service providers have invested billions of dollars in building and upgrading their networks to better serve their customers. However, burdensome regulations will have a chilling effect on further private sector investment, at a time when the U.S. economy can least afford such an impact.

It is because of significant competition among broadband service providers that consumers have more choices and are enjoying the best online experience that has ever been available. As you said, "new mobile and satellite broadband networks are getting faster every day, and extraordinary devices like smartphones and wireless data cards are making it easier to stay connected while on the go." Mobile networks are getting faster, making such networks even stronger competitors to wireline networks. Market-based solutions and competition is working.

Such a major policy shift should be contemplated only with all of the FCC Commissioners involved. To do it with just one party reduces the confidence the public and the Congress has in the proposal.

Sincerely,

Sam Bammack

Chuck Grassley

D. Vitter

[Signature]

Lukey Me

Phil Johanns

Paul Cook

[Signature]

Jim Clark

[Signature]

John Cornyn

Tom Coburn

John McCain

[Signature]

Sally Chaudhry

Lyndie Weicker

John Barrasso

Robert Bennett

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



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable John Barrasso
United States Senate
307 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Barrasso:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

The Commission released its *Notice of Proposed Rulemaking (NPRM)* on preserving the open Internet on October 22, 2009. The *NPRM* launched a multi-month process, with the goals of safeguarding the free and open Internet, providing greater predictability for the marketplace, and fostering continued innovation and investment. The task of securing an open Internet deserves an open process. Accordingly, Commission staff are conducting a fact-based, transparent, and participatory process to develop rules based on a record that includes engineering and economic examinations.

The Commission has convened a group of technical advisory experts for ongoing input, and held a workshop in December on broadband network management. Over the last three months, the Commission also has held staff-level workshops on investment and innovation, on consumers and transparency, and on free speech and civic participation. Our process now is well underway, and we are encouraged by signs of growing common ground among the many stakeholders we have heard from.

I look forward to continuing a constructive dialogue with you on these issues. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

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Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 3, 2010

The Honorable Robert F. Bennett
United States Senate
431 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Bennett:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable Sam Brownback
United States Senate
303 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Brownback:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable Richard M. Burr
United States Senate
217 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Burr:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable Saxby Chambliss
United States Senate
416 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Chambliss:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

OFFICE OF
THE CHAIRMAN

The Honorable Tom Coburn
United States Senate
172 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Coburn:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable Thad Cochran
United States Senate
113 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Cochran:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable Lindsey Graham
United States Senate
290 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Graham:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable Charles E. Grassley
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Grassley:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable James M. Inhofe
United States Senate
453 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Inhofe:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable John Isakson
United States Senate
120 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Isakson:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable Mike Johanns
United States Senate
404 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Johanns:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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OFFICE OF
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable John McCain
United States Senate
241 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator McCain:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable Pat Roberts
United States Senate
109 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Roberts:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable David Vitter
United States Senate
516 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Vitter:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable Roger Wicker
United States Senate
555 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Wicker:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letter expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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The Honorable John Cornyn
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517 Hart Senate Office Building
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Dear Senator Cornyn:

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The Commission released its *Notice of Proposed Rulemaking (NPRM)* on preserving the open Internet on October 22, 2009. The *NPRM* launched a multi-month process, with the goals of safeguarding the free and open Internet, providing greater predictability for the marketplace, and fostering continued innovation and investment. The task of securing an open Internet deserves an open process. Accordingly, Commission staff are conducting a fact-based, transparent, and participatory process to develop rules based on a record that includes engineering and economic examinations.

The Commission has convened a group of technical advisory experts for ongoing input, and held a workshop in December on broadband network management. Over the last three months, the Commission also has held staff-level workshops on investment and innovation, on consumers and transparency, and on free speech and civic participation. Our process now is well underway, and we are encouraged by signs of growing common ground among the many stakeholders we have heard from.

I look forward to continuing a constructive dialogue with you on these issues. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Julius Genachowski".

Julius Genachowski



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable John R. Thune
United States Senate
493 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Thune:

I write to update you on the progress of our ongoing rulemaking to preserve the open Internet. Thank you for your letters expressing your thoughts and concerns about the Commission's launch of a participatory public process to develop commonsense rules of the road to preserve an open Internet. I believe we share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. To this important end, you have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

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