

United States Senate

WASHINGTON, DC 20510

December 15, 2010

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Open Internet
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The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Genachowski:

You recently announced your intent to have the Federal Communications Commission impose new regulations on broadband access services at the Commission's meeting later this month. We write today to express our continued opposition to any so-called "Open Internet" rules. The Internet as an open platform for innovation is not an aspiration, it is a reality—the United States does not need new burdensome regulations to make it so. This is an unjustified and unnecessary expansion of government control over private enterprise. We strongly urge you to abandon your decision to impose new restrictions on this important and dynamic segment of our economy.

Last year when you began the Open Internet rulemaking you promised that the process would be "transparent, fact-based, and data-driven," yet the Commission to date has provided scant evidence to justify the need for your proposed intrusion into the broadband marketplace. Consumers today use and have access to more Internet services than ever before. Even during this economic downturn, tens of billions of dollars have been invested in new broadband infrastructure. Every day, Internet entrepreneurs offer new services, applications, devices, and content to users of broadband Internet networks. There is no evidence of the sort of market failure in broadband that might require expansive new powers for the Commission.

While the rules that you are proposing will have little, if any, positive impact for consumers, they will likely reduce the potential for innovation and investment in broadband networks. Your proposal would establish the Commission as the central arbiter of which new network practices are and are not reasonable, making the Commission the gatekeeper for any future broadband innovations. This will dramatically slow the pace of that innovation and jeopardize billions of dollars of future investment into broadband networks.

You and the Commission's general counsel have admitted in published statements that the legal justification for imposing these new regulations is questionable and "has a serious risk of failure in court." It is very clear that Congress has not granted the Commission the specific statutory authority to do what you are proposing. Whether and how the Internet should be regulated is something that America's elected representatives in Congress, not the Commission, should determine.

The Internet has flourished over the last twenty years because of, not despite, a lack of government control and involvement. If the Commission does adopt your plan to impose new regulations on the Internet, the cost of that action will be measured in investments forgone, innovations stifled, and most

importantly, jobs lost. With America's economy in such a fragile state, the last thing the government needs to do is burden the private sector with more ill-advised regulatory red tape. Again, we implore you to reconsider your decision to regulate broadband services.

Sincerely,

<u>John Eriqson</u>	<u>Kayla Hatcher</u>
<u>John McIn</u>	<u>Will Bond</u>
<u>J. Murr</u>	<u>Michael B. Eij</u>
<u>Neil M. Cull</u>	<u>Joni DeMert</u>
<u>Jan E. Rind</u>	<u>John Thum</u>
<u>Mike Johnson</u>	<u>Sally Chauslin</u>
<u>Roger Winter</u>	<u>Lamar Alexander</u>
<u>Steve L. Bennett</u>	<u>John Barraco</u>

Mike Croyo

Sam Brantch

Don Kuhl

John Corry

David Vitter

Wm. G. Hatch

Tom Colm

Bob [unclear]

[unclear]

[unclear]

Jim Bunnery

Jim [unclear]

Chuck Grassley

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



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

The Honorable Kay Bailey Hutchison
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate
560 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Hutchison:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

While we do not see eye-to-eye on this particular rulemaking, I look forward to working with you on a broad range of telecommunications issues, including spectrum policy, universal service reform, and the deployment of a public safety wireless broadband network. On many issues, I think common ground can be found to improve America's communications networks, foster private investment and job creation, and help bring the extraordinary benefits of broadband to all Americans.

Respectfully,

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

Julius Genachowski



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

The Honorable Lamar Alexander
United States Senate
455 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Alexander:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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Julius Genachowski



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

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

Dear Senator Barrasso:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

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

Dear Senator Burr:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

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

Dear Senator Chambliss:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

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

Dear Senator Coburn:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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Julius Genachowski



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

The Honorable John Cornyn
United States Senate
517 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Cornyn:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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Julius Genachowski



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

The Honorable Michael D. Crapo
United States Senate
239 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Crapo:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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Julius Genachowski



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

The Honorable Jim DeMint
United States Senate
340 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator DeMint:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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Julius Genachowski



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

The Honorable John Ensign
Ranking Member
Subcommittee on Communications, Technology,
and the Internet
Committee on Commerce, Science, and Transportation
United States Senate
119 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Ensign:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

The Honorable Mike Enzi
United States Senate
379A Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Enzi:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

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

Dear Senator Graham:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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Julius Genachowski



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

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

Dear Senator Grassley:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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Julius Genachowski



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

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

Dear Senator Inhofe:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

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

Dear Senator Johanns:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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Julius Genachowski



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

The Honorable Jon Kyl
United States Senate
730 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Kyl:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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Julius Genachowski



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

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

Dear Senator McCain:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

The Honorable Mitch McConnell, Jr.
United States Senate
361A Russell Senate Office Building
Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

The Honorable James E. Risch
United States Senate
483 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Risch:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

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

Dear Senator Roberts:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2011

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

Dear Senator Thune:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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FEDERAL COMMUNICATIONS COMMISSION
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March 4, 2011

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

Dear Senator Wicker:

Thank you for your letter regarding the Commission's open Internet proceeding.

At its December 21, 2010 meeting, the Commission adopted high-level rules of the road to preserve Internet openness and freedom. After fourteen months, more than 200,000 commenters, and hundreds of discussions with stakeholders, this action provides much needed certainty to the marketplace, and for that reason received broad support from leading Internet and technology companies, broadband providers, investors, consumer and public interest groups, labor, and civil rights organizations. I believe that this framework will be a powerful spur for innovation and investment, and will strengthen the Internet job creation engine.

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