

FRED UPTON, MICHIGAN  
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA  
RANKING MEMBER

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

**0441**

April 5, 2011

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

Dear Chairman Genachowski:

In the hearing before the Rules Committee yesterday on our network neutrality legislation, one of our colleagues alleged that network neutrality rules are necessary to prevent broadband providers from discriminating against religious content. Nothing could be further from the truth. If providers engaged in such conduct, consumer outrage would likely resolve the matter quickly.

Moreover, if discrimination is such a potential problem, why isn't the FCC applying these rules to web companies, too? There is nothing in the FCC's order to prevent web companies from discriminating against religious content in search results.

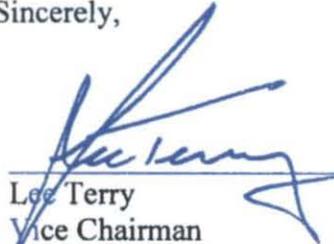
The reality is that if any threat to religious content exists, it is the FCC's order. Paragraph 47 and footnote 148 of the order says that a religious organization would be prohibited from creating a specialized Internet access service, such as Koshernet, which avoids content that religious subscribers agree they don't want to be exposed to. This raises significant First Amendment issues and just goes to show that we have much more to fear from the government regulating the Internet than we do from businesses operating in the free market.

Please respond in writing to this letter at your earliest convenience explaining why your order discriminates against religious content.

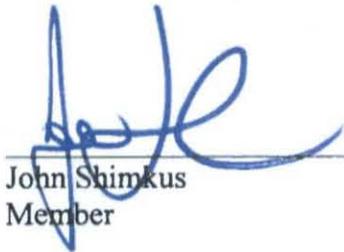
Sincerely,



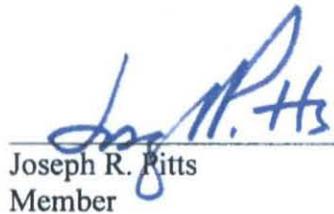
Greg Walden  
Chairman  
Subcommittee on Communications and  
Technology



Lee Terry  
Vice Chairman  
Subcommittee on Communications and  
Technology



John Shimkus  
Member



Joseph R. Pitts  
Member

cc: The Honorable Fred Upton, Chairman  
  
The Honorable Henry A. Waxman, Ranking Member  
  
The Honorable Anna G. Eshoo, Ranking Member  
Subcommittee on Communications and Technology  
  
Commissioner Michael J. Copps  
Commissioner Robert M. McDowell  
Commissioner Mignon Clyburn  
Commissioner Meredith Attwell Baker



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

April 6, 2011

The Honorable Greg Walden  
Chairman, Subcommittee on Communications and Technology  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Walden:

I am writing in response to your letter of April 5th, which contains the surprising suggestion that the FCC's basic rules of the road protecting the freedom and openness of the Internet discriminate against religious content. That is incorrect. Indeed, the opposite is true – the Open Internet Order safeguards the rights of all Americans to religious expression online.

In particular, and contrary to the April 5th letter, the Order does not prohibit tailored offerings such as Koshernet that enable consumers to avoid unwanted Internet content. The Order protects providers' ability to offer services such as Koshernet, and the freedom of consumers to subscribe to and use such services. More generally, the Order protects the freedom of Internet users to send and receive lawful content, including religious content, without fear of blocking or discrimination.

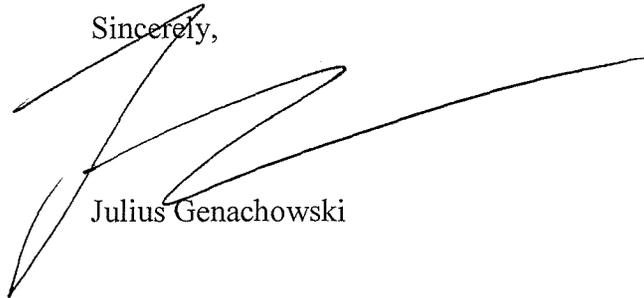
The Order repeatedly emphasizes that the Open Internet framework protects the right of end users to receive, or to avoid, Internet content. For example, the framework does not prevent broadband providers from "addressing traffic that is unwanted by end users . . . such as by providing services or capabilities consistent with an end user's choices regarding parental controls." *Open Internet Order* at para. 82. Similarly, the Order states that a broadband provider may "allow users to choose a service that provides access to the Internet but not to pornographic websites." *Id.* at para. 89. These statements illustrate a central purpose of the framework, which is to "preserve the Internet as an open platform enabling consumer choice, freedom of expression [and] end-user control."

The text cited in the letter serves to reinforce – not cast doubt on – the rights of subscribers who might be interested in an offering such as Koshernet. It explains that, when subscribers choose services like Koshernet to avoid certain web content, their broadband provider must still respect their right and freedom to access other websites of their choosing, just as they must for subscribers of other broadband Internet access services. *Id.* at para. 47.

Finally, a number of stakeholders for whom religious expression is a paramount freedom have recognized the importance of prohibiting broadband providers from discriminating against lawful content without users' consent and, accordingly, have supported the kind of light-touch open Internet framework adopted by the Commission.

As a strong supporter of religious freedom, I would welcome the opportunity to discuss this issue with you further at your convenience.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Julius Genachowski



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

April 6, 2011

The Honorable Lee Terry  
Vice Chairman, Subcommittee on Communications and Technology  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Vice Chairman Terry:

I am writing in response to your letter of April 5th, which contains the surprising suggestion that the FCC's basic rules of the road protecting the freedom and openness of the Internet discriminate against religious content. That is incorrect. Indeed, the opposite is true – the Open Internet Order safeguards the rights of all Americans to religious expression online.

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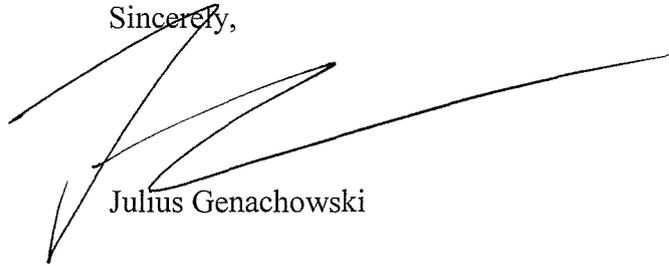
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As a strong supporter of religious freedom, I would welcome the opportunity to discuss this issue with you further at your convenience.

Sincerely,

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Julius Genachowski



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

April 6, 2011

The Honorable Joseph R. Pitts  
U.S. House of Representatives  
420 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Pitts:

I am writing in response to your letter of April 5th, which contains the surprising suggestion that the FCC's basic rules of the road protecting the freedom and openness of the Internet discriminate against religious content. That is incorrect. Indeed, the opposite is true – the Open Internet Order safeguards the rights of all Americans to religious expression online.

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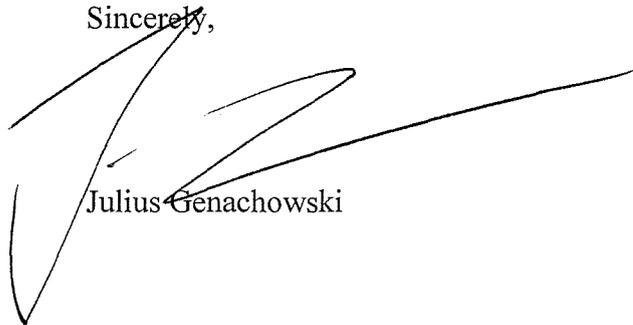
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Page 2—The Honorable Joseph R. Pitts

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As a strong supporter of religious freedom, I would welcome the opportunity to discuss this issue with you further at your convenience.

Sincerely,

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Julius Genachowski



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

April 6, 2011

The Honorable John M. Shimkus  
U.S. House of Representatives  
2452 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Shimkus:

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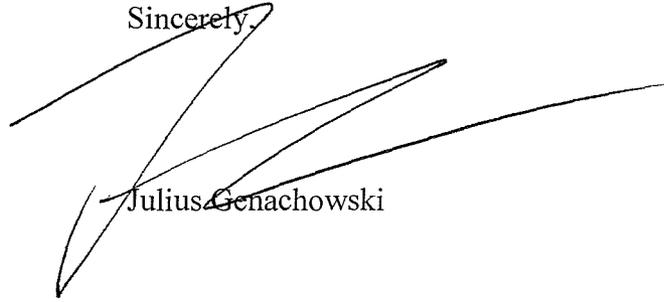
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Julius Genachowski