United States Senate
WASHINGTON, DC 20510

May 13, 2014

491

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

Dear Chairman Wheeler:

We write to reiterate our strong concerns with any proposal that would have the Federal Communications Commission (FCC) apply monopoly-era Title II regulations to our nation's competitive and dynamic broadband economy.

The growth of the Internet and the rapid adoption of mobile technology have been great American success stories, made possible by a light regulatory touch for the entire online ecosystem. This approach has freed Internet innovators and users at the edge, the core, and the last mile to offer services, to build networks, and to buy and sell products based on market demand; no government permission has been necessary.

Imposing common carrier-style regulation upon any part of the Internet would be a dangerous rejection of this successful policy course, potentially impeding the development and adoption of new Internet technologies and services, and threatening future investment in next-generation broadband infrastructure.

The courts have twice struck down ill-advised and unauthorized attempts by the FCC to regulate the Internet. Unfortunately, you have chosen to have the FCC again undertake a politically corrosive rulemaking, relying upon new and untested court-defined powers rather than upon clear Congressional intent and statutory authority.

Of even greater concern would be using Title II of the Communications Act to regulate broadband, which some voices have called for in recent days. So-called "net neutrality" restrictions are unnecessary, but using Title II reclassification to impose them would create tremendous legal and marketplace uncertainty and would undermine your ability to effectively lead the FCC.

Rather than attempting further legal contortions to encumber modern communications networks with last century's rules, the Commission should work with the Congress to develop clear statutory authority and direction for the agency so that it can be a productive regulator

for the 21st century marketplace. If the Commission will not do that, we urge it to reject new "net neutrality" regulations, particularly any which rely upon Title II.

Sincerely,

MITCH McCONNELL
Senate Republican Leader

JOHN CORNYN
Senate Republican Whip

JOHN THUNE
Senate Republican Conference Chairman

JOHN BARRASSO, M.D.
Senate Republican Policy Committee Chairman

ROY BLUNT
Senate Republican Conference Vice-Chairman

JERRY MORAN
National Republican Senatorial Committee Chairman

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 17, 2014

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

Dear Senator Barrasso:

Thank you for contacting me with your views regarding the Commission's efforts to reinstate rules to preserve and protect the Open Internet. As you know, the *Notice of Proposed Rulemaking* ("*Notice*") adopted by the Commission in May 2014 proposes rules that would replace those struck down early this year by the U.S. Court of Appeals for the D.C. Circuit in its *Verizon* decision, and we ask a number of questions about the appropriate legal foundation for such rules. Your letter touches on some of the most important issues presented in the *Notice*, and it will be included in the record of the proceeding and considered as part of the Commission's review.

The Commission has been working for more than a decade to safeguard the Open Internet. While there has been a bipartisan consensus, starting under the Bush Administration with Chairman Powell, on the importance of an open Internet to economic growth, investment, and innovation, we find ourselves today without any rules in place to protect and promote Internet openness. The *status quo* is unacceptable. Unless and until the FCC adopts new rules, broadband providers will be free to block, degrade, or otherwise disadvantage innovative services on the Internet without threat of sanction by the FCC. As Chairman, I will utilize the best tools available to me to ensure the Commission adopts effective and resilient open Internet rules.

The court's decision in *Verizon* established unequivocally that the Commission has the legal authority under Section 706 of the Telecommunications Act of 1996 to craft enforceable rules to protect and promote an open Internet for all Americans. Specifically, the court agreed with the Commission's conclusion that an open Internet enables a virtuous cycle of investment and broadband deployment – *i.e.*, that innovative content and services at the edge of the network drive consumer demand for broadband services, which drives investment in broadband infrastructure and deployment, which drives more innovation at the network's edges of the network drive consumer demand for broadband services, which drives investment in broadband infrastructure and deployment, which drives more innovation at the network's edges, and so on. The court affirmed that it is the Commission's responsibility to protect this virtuous cycle and that Section 706 authorizes us to do so.

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This *Notice* is the first step in the process, and I look forward to comments from all interested stakeholders, including members of the general public, as we develop a fulsome record on the legal authority and many other questions raised in the *Notice*. To that end, in an effort to maximize public participation in this proceeding, we have established an Open Internet email address – openinternet@fcc.gov – to ensure that Americans who may not otherwise have the opportunity to participate in an FCC proceeding can make their voices heard. In addition, to ensure sufficient opportunity for broad public comment, we have provided a lengthy comment and reply period that will give everyone an opportunity to participate.

Again, I appreciate your deep interest in this matter and look forward to a continued engagement with you and others in Congress as we move forward with this proceeding.

Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 17, 2014

The Honorable John Thune
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate
624 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Thune:

Thank you for contacting me with your views regarding the Commission's efforts to reinstate rules to preserve and protect the Open Internet. As you know, the *Notice of Proposed Rulemaking* ("*Notice*") adopted by the Commission in May 2014 proposes rules that would replace those struck down early this year by the U.S. Court of Appeals for the D.C. Circuit in its *Verizon* decision, and we ask a number of questions about the appropriate legal foundation for such rules. Your letter touches on some of the most important issues presented in the *Notice*, and it will be included in the record of the proceeding and considered as part of the Commission's review.

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Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 17, 2014

The Honorable Jerry Moran
United States Senate
260 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Moran:

Thank you for contacting me with your views regarding the Commission's efforts to reinstate rules to preserve and protect the Open Internet. As you know, the *Notice of Proposed Rulemaking* ("*Notice*") adopted by the Commission in May 2014 proposes rules that would replace those struck down early this year by the U.S. Court of Appeals for the D.C. Circuit in its *Verizon* decision, and we ask a number of questions about the appropriate legal foundation for such rules. Your letter touches on some of the most important issues presented in the *Notice*, and it will be included in the record of the proceeding and considered as part of the Commission's review.

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Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 17, 2014

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

Dear Senator McConnell:

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Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 17, 2014

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

Dear Senator Cornyn:

Thank you for contacting me with your views regarding the Commission's efforts to reinstate rules to preserve and protect the Open Internet. As you know, the *Notice of Proposed Rulemaking* ("*Notice*") adopted by the Commission in May 2014 proposes rules that would replace those struck down early this year by the U.S. Court of Appeals for the D.C. Circuit in its *Verizon* decision, and we ask a number of questions about the appropriate legal foundation for such rules. Your letter touches on some of the most important issues presented in the *Notice*, and it will be included in the record of the proceeding and considered as part of the Commission's review.

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Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 17, 2014

The Honorable Roy Blunt
United States Senate
260 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Blunt:

Thank you for contacting me with your views regarding the Commission's efforts to reinstate rules to preserve and protect the Open Internet. As you know, the *Notice of Proposed Rulemaking* ("*Notice*") adopted by the Commission in May 2014 proposes rules that would replace those struck down early this year by the U.S. Court of Appeals for the D.C. Circuit in its *Verizon* decision, and we ask a number of questions about the appropriate legal foundation for such rules. Your letter touches on some of the most important issues presented in the *Notice*, and it will be included in the record of the proceeding and considered as part of the Commission's review.

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Tom Wheeler