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Congress of the United States

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October 20, 2009

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

Re: Notice of Proposed Rulemaking on Network Neutrality

Dear Chairman Genachowski:

You have announced that the Federal Communications Commission will shortly consider whether to promulgate a Notice of Proposed Rulemaking on network neutrality [Preserving the Open Internet; Broadband Industry Practices (WC Docket No. 07-52)].

Reports of the contents of this proposed rulemaking raise serious issues as to potentially catastrophic effects on investment in and deployment of broadband services throughout the country. In the macro-economic context of the most severe recession in a generation, independent agencies like the FCC should be extremely cautious as to the promulgation of regulatory policies which could retard investment in new technologies and cause loss of employment in the communications sector. Specifically, the proposed rulemaking apparently goes far beyond the principles that have been adopted by the FCC to include: (1) a rigid rule of non-discrimination which could significantly impede the ability of communications companies to provide consumers with the internet services they desire and currently receive; and (2) the application of regulations to the capacity-constrained wireless sector in a manner which could retard the deployment and continued development of wireless broadband services which hold so much promise for rural communities in America.

These potential effects have raised significant bipartisan concern in Congress. Many of these Members believe that the Commission has important work to do that does not pose the risk of exacerbating the recession. Accordingly, I strongly urge you to

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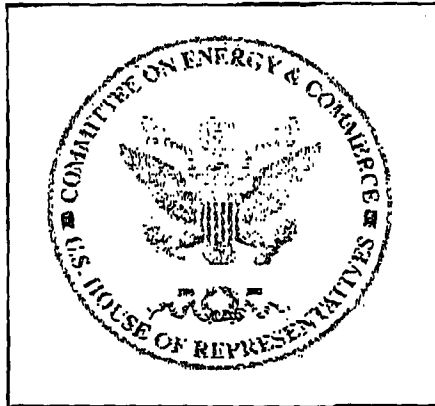
consider whether proceeding with a rulemaking of this scope and effect is appropriate at this time. At the very least, a more prudent path would be to abandon the Notice of Proposed Rulemaking in favor of a Notice of Inquiry which would allow the Commission to collect data related to broadband usage at a deliberate pace without the potentially stifling effect the proposed rules could have on investment in the broadband sector.

Sincerely,



Joe Barton
Ranking Member

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



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From: Rep. Joe Barton; Ranking Member, Committee on Energy and Commerce

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Date: October 20, 2009

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Notes:
