



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 10, 2010

The Honorable Trent Franks  
U.S. House of Representatives  
2435 Rayburn House Office Building  
Washington, D.C. 20215

Dear Congressman Franks:

Thank you for your letter regarding the Commission's *ex parte* rules. In your letter, you note that the Commission issued a *Public Notice* on November 10, 2009, finding that several filings concerning net neutrality that were received shortly before the Commission's open meeting on October 22, were prohibited *ex parte* communications under the Commission's rules. You ask why two other letters addressed to me were not deemed to be prohibited by the *ex parte* rules. These are an October 19, 2009 letter by the Open Internet Coalition and an October 21, 2009 letter by several public interest groups.

The Commission's Office of the General Counsel determined that the October 19 and October 21 letters were not filed in the net neutrality proceeding, and that they were not received by my Office or any other agency decision-maker of whom we are aware. Although copies of these letters were posted on the Internet and may have been distributed to others outside the Commission, such communications do not constitute "presentations" to Commission decision-making personnel for purposes of our *ex parte* rules.

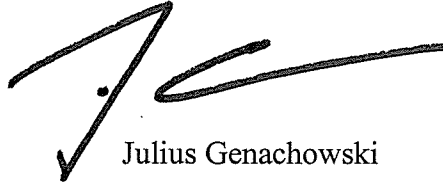
I understand your concern about whether such communications violate the spirit, if not the letter, of the *ex parte* rules, which are intended to ensure that Commission decisions are crafted without undue influence. We do not apply the *ex parte* rules to prohibit or regulate speech expressed only in the public media (rather than directly to the Commission), as was the case with these two letters, particularly given First Amendment considerations. Nevertheless, we take the enforcement of these rules seriously, and I am committed to conducting our proceedings in an open and transparent manner.

You might be familiar with action by the Commission at its February open meeting, proposing amendments to its *ex parte* rules and procedures. I am enclosing a copy of the Commission's News Release for your information. Given the complexity and importance of the issues that come before us, *ex parte* communications are an essential part of our deliberative process. I believe that it is critical to the integrity of our proceedings that we reform and revise the way in which we document these communications. I appreciate your insight on such an

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important issue and will keep your concerns in mind as the Commission proceeds on reform of its *ex parte* procedures.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a horizontal line that curves slightly upwards at the end.

Julius Genachowski

Enclosure