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**Congress of the United States**  
**House of Representatives**

Washington, DC 20515-0705

February 3, 2010

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

Re: *In the Matter of Preserving the Open Internet*, GN Docket No. 09-191; *Broadband Industry Practices*, WC Docket No. 07-52

Dear Chairman Genachowski,

I write in reference to the Notice of Proposed Rulemaking released by the Federal Communications Commission (FCC) on October 22, 2009 and your complimentary statement of the same day.

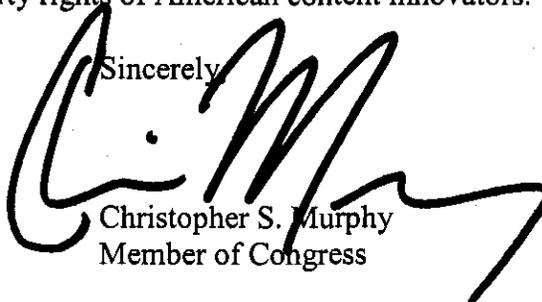
This proposed rule is critical to the future use and expansion of the internet. But as both government and private industry continue to invest in the growth and innovative capacity of the internet, it is imperative that the FCC's final rule ensures that an open internet is preserved for all those who wish to participate in the innovation, creation, transfer and sharing of *legal* content.

As you stated in your October 22<sup>nd</sup> remarks, open internet rules should not be a, "shield for copyright infringement, spam, or other violations of the law." In filings made with the FCC from parties that have been instrumental in the evolution and innovation of the internet, it is clear that our domestic companies are losing billions due to the violation of their copyrights through the illegal sharing of copyrighted materials. Clearly, if we are to preserve jobs and innovation in this sector of our economy, it is imperative that the final rule address this crisis and as the Notice of Proposed Rulemaking states, "not prohibit broadband Internet access service providers from taking reasonable action to prevent the transfer of unlawful content, such as the unlawful distribution of copyrighted works."

Certainly, as you have stated, internet users are entitled and should always be entitle to access the *lawful* content of their choice. However, if we do nothing to address the *unlawful* distribution of copyrighted materials, we will be harming our nation's content innovators and in the process potentially limiting consumers' access to new information and content.

I applaud your attention to this matter, and look forward to the adoption of a rule that will take bold steps to protect the intellectual property rights of American content innovators.

Sincerely,



Christopher S. Murphy  
Member of Congress

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