



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

June 30, 2014

The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Upton:

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, 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.

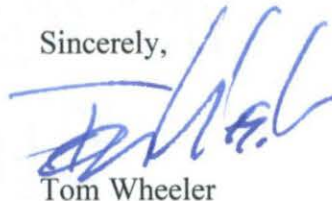
I believe that the Section 706 framework set forth by the court provides us with the tools we need to adopt and implement robust and enforceable Open Internet rules. For this reason, the

*Notice* used the court's legal blueprint as a starting point. Nevertheless, the Commission also is seriously considering the use of Title II of the Communications Act as a basis for legal authority. The *Notice* explains that both Section 706 and Title II are viable solutions to the authority issue, and seeks comment on the benefits of each approach, as well as the benefits of one approach over the other, to ensuring that the Internet remains an open platform for innovation and expression. Additionally, the *Notice* seeks comment on other proposals suggesting the Commission could apply both Section 706 and Title II to component parts of broadband Internet access services. And to your concerns about the "common carrier-ization" of broadband, the *Notice* asks about the extent to which forbearance from certain provisions of the Act or our rules would be justified so that the regulatory treatment of broadband providers is appropriately balanced.

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](mailto: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 as we move forward with this proceeding.

Sincerely,



Tom Wheeler





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THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 30, 2014

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:

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,

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Tom Wheeler





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

June 30, 2014

The Honorable Marsha Blackburn  
U.S. House of Representatives  
217 Cannon House Office Building  
Washington, D.C. 20515

Dear Congresswoman Blackburn:

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





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

June 30, 2014

The Honorable Bob Latta  
U.S. House of Representatives  
2448 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Latta:

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Tom Wheeler