



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

August 1, 2014

The Honorable Edward Markey
United States Senate
218 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Markey:

Thank you for writing to express your support for the need to reinstate rules to preserve an open Internet for all Americans by utilizing Title II of the Communications Act. As you know, the *Notice of Proposed Rulemaking* (“*Notice*”) adopted by the Commission in May 2014 begins that process of reinstating rules. Your letter touches on some of the most important issues presented in the *Notice*, and I will ensure that it is included in the record of the proceeding and considered as part of the Commission’s review.

The *Notice* asks a fundamental question: “What is the right public policy to ensure that the Internet remains open?” I am grateful that Americans have answered the call. We have received over one million comments on the *Notice* from the American public. The overwhelming response to this issue demonstrates how important it is to reinstate strong rules that will stop broadband providers from limiting Internet openness. Unless and until the Commission 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 I stated in the June 30, 2014, letter to you, our *Notice* proposes 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. However, the Commission is also seriously considering moving forward to adopt rules using Title II of the Communications Act as the foundation for our legal authority. The *Notice* asks specific questions about Title II, including whether the Commission should 1) revisit its classification of Broadband Internet Access as an information service; or 2) separately identify and classify as a telecommunications service a service that “broadband providers . . . furnish to edge providers,” as proposed by Mozilla in a May 5, 2014, Petition filed with the agency. The *Notice* seeks comment on the benefits of both Section 706 and Title II, including the benefits of one approach over the other, to ensure the Internet remains an open platform for innovation and expression.

As you know, the first deadline for submitting comments ended on July 18, 2014, and we have provided a reply period through September 10, 2014, that will allow everyone an opportunity to participate. I look forward to the additional input that we will receive.



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THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

August 1, 2014

The Honorable Richard Blumenthal
United States Senate
702 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for writing to express your support for the need to reinstate rules to preserve an open Internet for all Americans by utilizing Title II of the Communications Act. As you know, the *Notice of Proposed Rulemaking* (“*Notice*”) adopted by the Commission in May 2014 begins that process of reinstating rules. Your letter touches on some of the most important issues presented in the *Notice*, and I will ensure that it is included in the record of the proceeding and considered as part of the Commission’s review.

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OFFICE OF
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

August 1, 2014

The Honorable Cory Booker
United States Senate
141 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Booker:

Thank you for writing to express your support for the need to reinstate rules to preserve an open Internet for all Americans by utilizing Title II of the Communications Act. As you know, the *Notice of Proposed Rulemaking* (“*Notice*”) adopted by the Commission in May 2014 begins that process of reinstating rules. Your letter touches on some of the most important issues presented in the *Notice*, and I will ensure that it is included in the record of the proceeding and considered as part of the Commission’s review.

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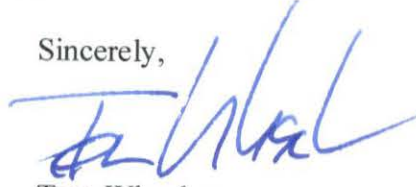
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Page 2—The Honorable Cory Booker

Again, I appreciate your deep interest in this matter and look forward to continued engagement with you as the proceeding moves forward.

Sincerely,

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Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

August 1, 2014

The Honorable Barbara Boxer
United States Senate
112 Hart Senate Office Building
Washington, D.C. 20510;

Dear Senator Boxer:

Thank you for writing to express your support for the need to reinstate rules to preserve an open Internet for all Americans by utilizing Title II of the Communications Act. As you know, the *Notice of Proposed Rulemaking* ("*Notice*") adopted by the Commission in May 2014 begins that process of reinstating rules. Your letter touches on some of the most important issues presented in the *Notice*, and I will ensure that it is included in the record of the proceeding and considered as part of the Commission's review.

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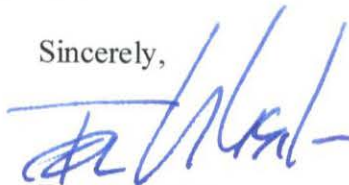
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Page 2—The Honorable Barbara Boxer

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Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

August 1, 2014

The Honorable Al Franken
United States Senate
309 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Franken:

Thank you for writing to express your support for the need to reinstate rules to preserve an open Internet for all Americans by utilizing Title II of the Communications Act. As you know, the *Notice of Proposed Rulemaking* ("*Notice*") adopted by the Commission in May 2014 begins that process of reinstating rules. Your letter touches on some of the most important issues presented in the *Notice*, and I will ensure that it is included in the record of the proceeding and considered as part of the Commission's review.

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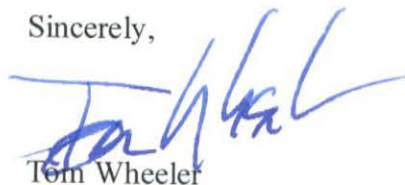
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Page 2—The Honorable Al Franken

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Sincerely,

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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

August 1, 2014

The Honorable Kirsten Gillibrand
United States Senate
478 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Gillibrand:

Thank you for writing to express your support for the need to reinstate rules to preserve an open Internet for all Americans by utilizing Title II of the Communications Act. As you know, the *Notice of Proposed Rulemaking* ("*Notice*") adopted by the Commission in May 2014 begins that process of reinstating rules. Your letter touches on some of the most important issues presented in the *Notice*, and I will ensure that it is included in the record of the proceeding and considered as part of the Commission's review.

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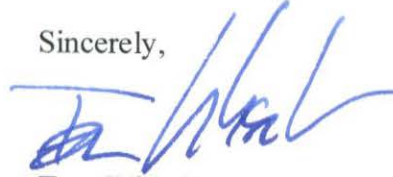
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Page 2—The Honorable Kirsten Gillibrand

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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

August 1, 2014

The Honorable Jeff Merkley
United States Senate
107 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Merkley:

Thank you for writing to express your support for the need to reinstate rules to preserve an open Internet for all Americans by utilizing Title II of the Communications Act. As you know, the *Notice of Proposed Rulemaking* ("*Notice*") adopted by the Commission in May 2014 begins that process of reinstating rules. Your letter touches on some of the most important issues presented in the *Notice*, and I will ensure that it is included in the record of the proceeding and considered as part of the Commission's review.

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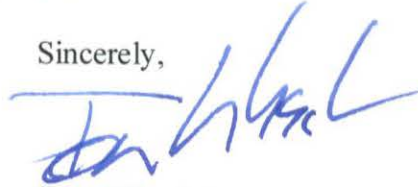
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Page 2—The Honorable Jeff Merkley

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Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

August 1, 2014

The Honorable Bernard Sanders
United States Senate
332 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Sanders:

Thank you for writing to express your support for the need to reinstate rules to preserve an open Internet for all Americans by utilizing Title II of the Communications Act. As you know, the *Notice of Proposed Rulemaking* (“*Notice*”) adopted by the Commission in May 2014 begins that process of reinstating rules. Your letter touches on some of the most important issues presented in the *Notice*, and I will ensure that it is included in the record of the proceeding and considered as part of the Commission’s review.

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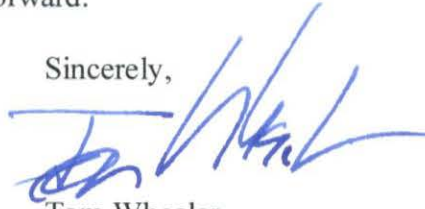
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Page 2—The Honorable Bernard Sanders

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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
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OFFICE OF
THE CHAIRMAN

August 1, 2014

The Honorable Charles Schumer
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Schumer:

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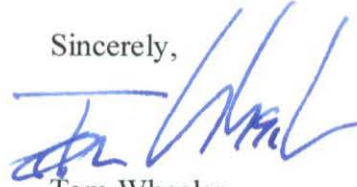
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Page 2—The Honorable Charles Schumer

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Tom Wheeler



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August 1, 2014

The Honorable Elizabeth Warren
United States Senate
C2 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Warren:

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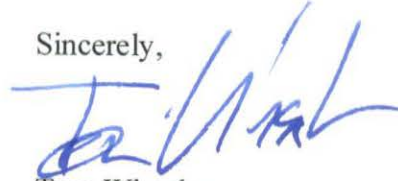
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Page 2—The Honorable Elizabeth Warren

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Tom Wheeler



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August 1, 2014

The Honorable Ron Wyden
United States Senate
223 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Wyden:

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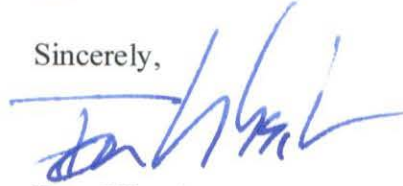
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Page 2—The Honorable Ron Wyden

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Tom Wheeler



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WASHINGTON

August 1, 2014

The Honorable Benjamin Cardin
United States Senate
509 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Cardin:

Thank you for writing to express your concerns regarding the need to reinstate rules to preserve an open Internet for all Americans. I share your sense of urgency on this matter. For this reason, I moved with dispatch to initiate a proceeding to consider new open Internet rules to replace those that were vacated by the D.C. Circuit Court of Appeals in the *Verizon* case. As you know, the *Notice of Proposed Rulemaking* (“*Notice*”) adopted by the Commission in May 2014 begins that process. Therein, we ask a number of questions about the rules we need to adopt, as well as the appropriate legal foundation for such rules. Your letter touches on some of the most important issues presented in the *Notice*, and I will ensure that it is included in the record of the proceeding and considered as part of the Commission’s review.

The *Notice* asks a fundamental question: “What is the right public policy to ensure that the Internet remains open?” I am grateful that Americans have answered the call. We have received over one million comments on the *Notice* from the American public. The overwhelming response to this issue demonstrates how important it is to reinstate strong rules that will stop broadband providers from limiting Internet openness.

The Commission has struggled for over a decade with how best to protect and promote an open Internet. While there has been 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 faced with the worst case scenario: we have no Open Internet rules in place to stop broadband providers from limiting Internet openness. The *status quo* is unacceptable. The Commission has already found, and the court has agreed, that broadband providers have economic incentives and technological tools to engage in behavior that can limit Internet openness and harm consumers and competition. As such, the Commission must craft meaningful rules to protect the open Internet, and it must do so promptly. I can assure you that we will utilize the best tools available to ensure the Commission adopts effective and resilient open Internet rules. Unless and until the Commission 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.

With respect to the legal foundation of the rules, our *Notice* proposes 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. Nevertheless, as you suggest in your letter, the Commission is also seriously considering moving forward to adopt rules using Title II of the Communications Act as the foundation for our legal authority. The *Notice* asks specific questions about Title II, including whether the Commission should 1) revisit its classification of Broadband Internet Access as an information service; or 2) separately identify and classify as a telecommunications service a service that “broadband providers . . . furnish to edge providers,” as proposed by Mozilla in a May 5 Petition filed with the agency. The *Notice* seeks comment on the benefits of both Section 706 and Title II, including the benefits of one approach over the other, to ensure the Internet remains an open platform for innovation and expression.

With respect to the substance of the rules, the proposals and questions in the *Notice* are designed to elicit a record that will give us a foundation to adopt strong, enforceable rules to protect the open Internet and prevent broadband providers from harming consumers or competition. I am especially sensitive to concerns about paid prioritization arrangements, and the potential such arrangements have for creating an Internet that is fast for a few, and slow for everyone else. Let me be crystal clear: there must only be one Internet. It must be fast, robust and open for everyone. The *Notice* addresses this issue head-on, even asking if paid prioritization should be banned outright. It also proposes clear rules of the road and aggressive enforcement to prevent unfair treatment of consumers, edge providers and innovators. Small companies and startups must be able to reach consumers with their innovative products and services, and they must be protected against harmful conduct by broadband providers.

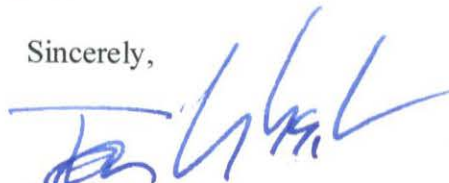
The *Notice* includes a number of proposals designed to empower consumers and small businesses who may find themselves subject to harmful behavior by a broadband provider. For example, the Court of Appeals did uphold our existing transparency rule, and the *Notice* proposes to strengthen that rule to require that networks disclose *any* practices that could change a consumer’s or a content provider’s relationship with the network. The *Notice* proposes the creation of an ombudsperson to serve as a watchdog and advocate for start-ups, small businesses and consumers. And the *Notice* seeks comment on how to ensure that all parties, and especially small businesses and start-ups, have effective access to the Commission’s dispute resolution and enforcement processes.

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 many 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 through September 10, 2014, that will allow everyone an opportunity to participate.

Page 3—The Honorable Benjamin Cardin

Again, I appreciate your deep interest in this matter and look forward to continued engagement with you as the proceeding moves forward.

Sincerely,



Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

August 1, 2014

The Honorable Sheldon Whitehouse
United States Senate
502 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Whitehouse:

Thank you for writing to express your concerns regarding the need to reinstate rules to preserve an open Internet for all Americans. I share your sense of urgency on this matter. For this reason, I moved with dispatch to initiate a proceeding to consider new open Internet rules to replace those that were vacated by the D.C. Circuit Court of Appeals in the *Verizon* case. As you know, the *Notice of Proposed Rulemaking* ("*Notice*") adopted by the Commission in May 2014 begins that process. Therein, we ask a number of questions about the rules we need to adopt, as well as the appropriate legal foundation for such rules. Your letter touches on some of the most important issues presented in the *Notice*, and I will ensure that it is included in the record of the proceeding and considered as part of the Commission's review.

The *Notice* asks a fundamental question: "What is the right public policy to ensure that the Internet remains open?" I am grateful that Americans have answered the call. We have received over one million comments on the *Notice* from the American public. The overwhelming response to this issue demonstrates how important it is to reinstate strong rules that will stop broadband providers from limiting Internet openness.

The Commission has struggled for over a decade with how best to protect and promote an open Internet. While there has been 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 faced with the worst case scenario: we have no Open Internet rules in place to stop broadband providers from limiting Internet openness. The *status quo* is unacceptable. The Commission has already found, and the court has agreed, that broadband providers have economic incentives and technological tools to engage in behavior that can limit Internet openness and harm consumers and competition. As such, the Commission must craft meaningful rules to protect the open Internet, and it must do so promptly. I can assure you that we will utilize the best tools available to ensure the Commission adopts effective and resilient open Internet rules. Unless and until the Commission 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.

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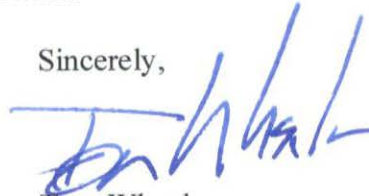
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Sincerely,



Tom Wheeler