

# United States Senate

WASHINGTON, DC 20510

September 10, 2014

COMMITTEES:  
ENERGY AND NATURAL RESOURCES  
COMMERCE, SCIENCE, AND  
TRANSPORTATION  
BANKING, HOUSING, AND  
URBAN AFFAIRS  
SPECIAL COMMITTEE ON AGING  
VETERANS' AFFAIRS

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

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Dear Chairman Wheeler;

I write to you today in response to recent press reports that the Federal Communications Commission (FCC) has "encouraged" media companies to present concerns regarding the Comcast/Time Warner Cable transaction to the FCC under an exemption of the commission's ex parte rules.

As you know, under rule 1.1204(a) (9), parties concerned about publicly participating in a Commission matter due to fear of possible reprisal or retribution can be exempted from the Commission's ex parte rules. I recognize and understand that the commission may need to grant such an exemption to a party under this scenario so that the FCC can obtain all the relevant factors before moving to adopt a public order.

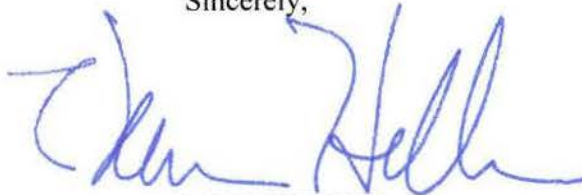
However, the bar for such exemptions must be set high. Public orders issued by the FCC must be able to stand on its own merit. When orders that have significant impact on the industry are crafted based on information provided in secret and go unchallenged, I believe it can undermine the effectiveness of that order.

That is why I am respectfully asking you to provide whether any exempt ex parte presentations have been granted for either the Comcast/Time Warner Cable or the AT&T/DirecTV transaction, and if so, how many? In your response, please provide the specific justification for each instance.

Lastly, please address the role the FCC played in this action. If the FCC acted in such a manner that directly influenced granting an exemption, please provide the justification for an independent government agency committed to transparency and public comment to solicit such secret presentations.

Thank you for your attention to this matter and I appreciate your response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dean Heller", with a stylized flourish at the end.

DEAN HELLER  
U.S. Senator