

**Congress of the United States**  
**Washington, DC 20515**

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web  
Innovation  
Open Internet

February 3, 2015

The Honorable Thomas Wheeler  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

Dear Chairman Wheeler:

We write to urge the Federal Communications Commission (FCC) to guarantee Net Neutrality by reclassifying broadband under Title II of the Communications Act. Reclassification would provide the Commission with unequivocal legal authority to promulgate Open Internet rules for both mobile and wireline, while allowing exceptions for reasonable network management.<sup>i</sup> This parity will best protect communities of color who disproportionately rely on mobile broadband. As the D.C. Circuit Court ruled in *Verizon v. FCC*, relying on Section 706 of the Telecommunications Act is not sufficient to protect an Open Internet. The only means of guaranteeing Net Neutrality is to reclassify ISPs as common carriers.

While the Internet has spurred small business growth, enriched our children's education, and helped communities to organize, a digital divide persists. Only 64 percent of African American households have adopted broadband services at home. Adoption is even lower in Hispanic households where only slightly more than half (53 percent) have broadband. In contrast, the national average is 70 percent, with broadband in 74 percent of White households.<sup>ii</sup> Lack of access to the Internet prevents Americans from finding job opportunities, gaining relevant skills, and signing up for health care coverage.

Wireless broadband access via mobile devices has been essential to narrowing this divide. Despite the low adoption rates of broadband at home, 56 percent of African Americans report owning smartphones.<sup>iii</sup> The need to protect mobile Internet access is underscored by the 43 percent of African Americans, and 60 percent of Latinos who rely on mobile phones as their primary means of access to the Internet.<sup>iv</sup>

As mobile devices become a growing gateway to the Internet, we urge the Commission to adopt a common regulatory framework that applies strong network neutrality protections to users of both wireless and wireline networks. Public libraries, where many rely on the use of Internet to do homework, search for jobs, or file taxes, now lend out mobile hotspots to patrons who do

not have broadband services at home. Various municipalities and community institutions have utilized mobile hotspots or devices to improve access in their cities. The FCC should preserve access to the entire Internet for all Americans, taking special care to protect the mobile broadband experience, which will preserve an essential opportunity for those who are already underserved. Parity between mobile and wireline broadband will ensure that current and future initiatives to bridge the digital divide will not be undermined or discouraged.

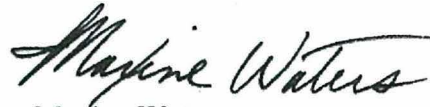
Further, strong rules that guarantee an Open Internet are important to minority-owned businesses. An Open Internet lowers barriers to entry and allows businesses of all sizes to compete on a global scale. Major mobile broadband providers have already blocked or hindered popular business tools such as mobile payments, Voice over Internet Protocol (VoIP) services, and streaming video. ISP providers set up tolls and slower lanes. These practices will continue and worsen without decisive action by the Commission. The FCC should adopt strong Open Internet rules to support businesses and foster fair competition regardless of firm size.

As the FCC considers the nearly 4 million comments that were submitted regarding Net Neutrality, we urge you to reclassify broadband services under Title II. The Commission has already acknowledged that people in underserved communities are less likely to have access to broadband at home. While mobile is not yet an effective substitute to home broadband access, communities of color have grown increasingly dependent on wireless service and mobile devices to close the digital divide. The FCC should promulgate rules that will ensure equal access for all Americans, regardless of whether they access the Internet in their homes or through mobile devices.

Sincerely,



Keith Ellison  
Member of Congress



Maxine Waters  
Member of Congress



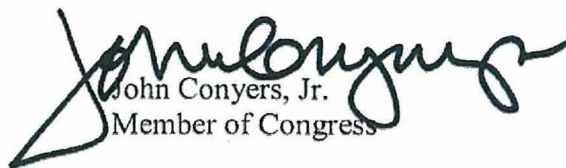
Donald S. Beyer, Jr.  
Member of Congress



Earl Blumenauer  
Member of Congress



André Carson  
Member of Congress



John Conyers, Jr.  
Member of Congress





Sam Farr  
Member of Congress



Janice Hahn  
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Marcy Kaptur  
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Sheila Jackson Lee  
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Zoe Lofgren  
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Jim McDermott  
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Richard Nolan  
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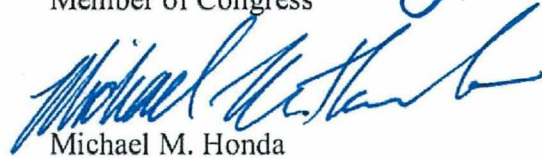
Beto O'Rourke  
Member of Congress



Tim Ryan  
Member of Congress



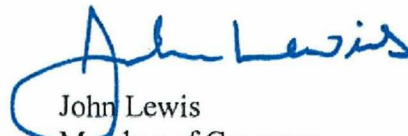
Raul M. Grijalva  
Member of Congress



Michael M. Honda  
Member of Congress



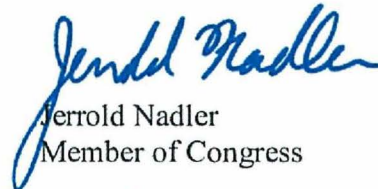
Barbara Lee  
Member of Congress



John Lewis  
Member of Congress



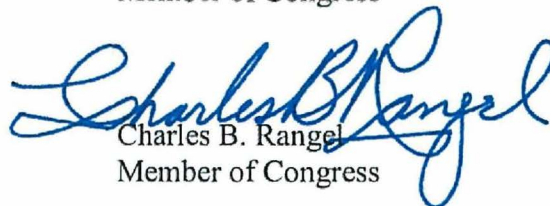
Betty McCollum  
Member of Congress



Jerrold Nadler  
Member of Congress



Eleanor Holmes Norton  
Member of Congress



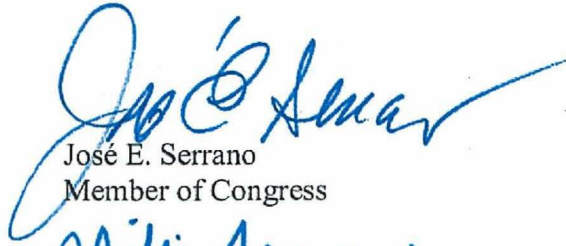
Charles B. Rangel  
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Robert C. Scott  
Member of Congress



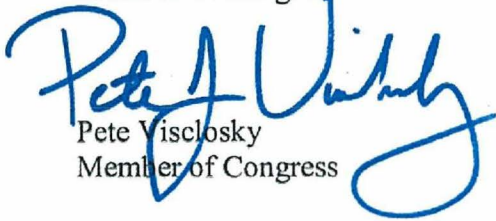
José E. Serrano  
Member of Congress



Louise M. Slaughter  
Member of Congress



Niki Tsongas  
Member of Congress



Pete Visclosky  
Member of Congress



Donna F. Edwards  
Member of Congress

Cc: Ms. Mignon Clyburn, Commissioner, Federal Communications Commission  
Ms. Jessica Rosenworcel, Commissioner, Federal Communications Commission  
Mr. Ajit Pai, Commissioner, Federal Communications Commission  
Mr. Michael O'Reilly, Commissioner, Federal Communications Commission

<sup>i</sup> Open Internet rules would prohibit blocking, throttling, and paid prioritization to guarantee Net Neutrality.

<sup>ii</sup> Kathryn Zickhur and Aaron Smith, *Home Broadband 2013*, Pew Research Internet Project (Aug 26, 2013) Available:

<http://www.pewinternet.org/2013/08/26/home-broadband-2013/> (Last accessed Dec 22, 2014)

Pew does not conduct research on Asian American technology use. See: <http://www.pewinternet.org/2013/03/29/why-pew-internet-does-not-regularly-report-statistics-for-asian-americans-and-their-technology-use/> (Last accessed Dec 11, 2014)

The National Telecommunications and Information Administration and the Economics and Statistics Administration at the Department of Commerce reported in 2011 that adoption among Asian American households was at 81 percent. Their numbers, slightly lower because of the time lapse, indicate that 55 percent of African American households, 57 percent of Hispanic households, and 72 percent of White households had broadband at home. The full report can be found here:

[http://www.ntia.doc.gov/files/ntia/publications/exploring\\_the\\_digital\\_nation\\_computer\\_and\\_internet\\_use\\_at\\_home\\_11092011.pdf](http://www.ntia.doc.gov/files/ntia/publications/exploring_the_digital_nation_computer_and_internet_use_at_home_11092011.pdf) (Last accessed Dec 11, 2014)

<sup>iii</sup> Aaron Smith, *African Americans and Technology Use: Detailed Demographic Tables*, Pew Research Internet Project (January 6, 2014)

Available: <http://www.pewinternet.org/2014/01/06/detailed-demographic-tables/> (Last accessed January 6, 2015)

<sup>iv</sup> Aaron Smith and Maeve Duggan, *Cell Internet Use 2013* Pew Research Internet Project (September 16, 2013) Available:

<http://www.pewinternet.org/2013/09/16/main-findings-2/> (last accessed Jan 26, 2015)