

Congress of the United States
Washington, DC 20515

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February 17, 2016

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

Dear Chairman Wheeler:

We value policies that encourage technological innovation and competition in the marketplace and that seek to provide consumers with more products and increased choices. However, consumer privacy should be protected in the process, and we are concerned about the potential privacy implications of your proposal to unlock set-top boxes.

The fact sheet published on the Federal Communications Commission's (FCC) website on January 27, 2016 states that "the privacy protections that exist today will also apply when alternative navigation devices are used." It is our understanding that Section 631 of the Communications Act subjects cable operators to certain requirements regarding the use and disclosure of consumers' personally identifiable information. A recent *Broadcasting & Cable* article reports that third-party device manufacturers and app developers will have to self-certify that they are in compliance with similar privacy obligations that cable operators have under Section 631 in order to obtain access to consumers' data. Are there any differences between privacy obligations that cable operators have under Section 631 and what third-party device manufacturers and app developers that seek access to consumers' data will have under the self-certification model? What recourse will be available to consumers in cases where third-party device manufacturers and app developers fall short of fulfilling their privacy obligations?

Additionally, we are concerned about protecting consumers from unwanted targeted advertising. What rights would consumers using third-party devices have with respect to data about their viewing habits being collected by these devices and then sold to other companies for advertising purposes?

As the FCC prepares to vote on the Notice of Proposed Rulemaking for unlocking set-top boxes, we hope that you and the Commission carefully consider the important issue of protecting consumers' privacy and respond to the above questions no later than March 2, 2016. Thank you for your attention to this matter. We look forward to your response.


Sincerely,



Jerry McNerney
Member of Congress



Joe Barton
Member of Congress



Renee Elmers
Member of Congress