

Congress of the United States
Washington, DC 20515

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May 11, 2016

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

Dear Chairman Wheeler,

As Co-Chairs of the Congressional Privacy Caucus, we write to express our concern that existing privacy protections enjoyed by cable and satellite subscribers will not be retained as the Commission moves forward on a rulemaking regarding third party navigation devices.

Sections 631 and 338(i) of the Communications Act provide clear and specific protections for the privacy of cable and satellite subscribers. Multichannel Video Programming Distributors (MVPD) must clearly and conspicuously explain data collection and use practices to consumers as well as being prohibited from collecting personally identifiable information without the subscriber's prior consent. Additionally, subscribers are entitled to private rights of action through the federal courts should these privacy protections be violated.

Under the current Commission proposal, third parties would be required to self-certify that they will, and do, adhere to privacy protections in sections 631 and 338. Should the MVPD believe that the third party has violated the self-certification requirement the only remedy to immediately protect customer information would be to shut off service to all users of a third party device or application found to be in violation of the self-certification. This outcome will harm consumers equally if not more so than it would the third party in violation of sections 631 and 338.

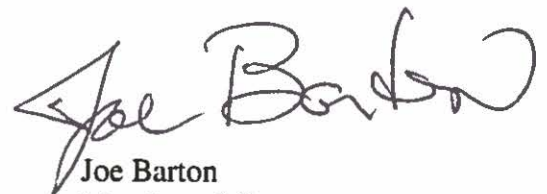
We agree that providing for robust competition in navigation devices, as directed by Congress, should be pursued by the FCC. However the Commission chooses to go forward, its actions cannot result in a loss of privacy protections, customers' loss of service through no fault of their own or that of an MVPD, or customers' private right of action against violators.

We respectfully request that the Commission take these concerns into account and we look forward to hearing from you directly as to how our shared concerns will be addressed moving forward.

Sincerely,



Diana DeGette
Member of Congress



Joe Barton
Member of Congress