



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

August 23, 2016

The Honorable Elizabeth Warren
United States Senate
317 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Warren:

Thank you for your letter supporting the Commission's efforts to adopt rules protecting the privacy of broadband customers' personal information.

As you know, I share your commitment to consumer privacy as well as your concern about the use and sharing of customer data by broadband internet access service (BIAS) providers, especially in light of the position they occupy as gatekeepers between their customers and the internet. I also share your concerns about lower broadband adoption rates among lower income consumers, an issue we work to address every day at the FCC.

As you highlight in your letter, in the course of providing service, BIAS providers can collect vast amounts of customer data. Even when data is encrypted, a broadband provider can still see the websites that a customer visits, how often the sites are visited, and the amount of time spent on each website. With this information, BIAS providers can piece together enormous amounts of information about an individual—including private information such as a chronic medical condition or financial problems. And consumers, once signed up for broadband service, cannot simply avoid this network in the way they can instantaneously (and freely) switch search engines, websites, or applications.

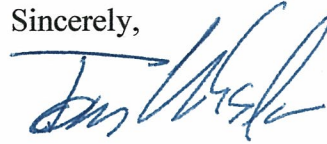
I agree that privacy should not be a luxury good reserved only for the wealthy. In the Commission's broadband privacy proposal, we have sought comment on business practices that offer customers financial inducements, such as discounted service rates, for their consent to use and share their information. The record developed in this proceeding reflects widely disparate views on this issue. Some commenters argue that these business models unfairly disadvantage low-income or vulnerable populations. Other commenters maintain that consumers, including low-income consumers, stand to benefit from the use and sharing of their information and should be given the opportunity to make that choice. As the Commission continues to examine the substantial record in the proceeding, I can assure you that we will carefully consider the risks and benefits of adopting rules regarding such practices with particular attention to the effect of these business models on low-income consumers.

As you recognize in your letter, the Commission has a special responsibility to safeguard consumers' privacy in their use of communications networks. I am proud of the Commission's

long history of steadfastly protecting consumers against misuse of their information by requiring communications networks to obtain their customers' approval before repurposing or reselling customer information. Protecting the privacy of Americans makes just as much sense in the world of broadband networks as it has for the past 20 years in the world of telephone networks, especially following the Commission's reclassification of BIAS in the *2015 Open Internet Order*.

I appreciate your interest in this matter. Your letter raises important issues, and I have asked that it be included in the record of this rulemaking proceeding so that it can be considered as part of the public record that informs the Commission's next steps in the broadband privacy rulemaking. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", with a stylized, cursive script.

Tom Wheeler