

United States Senate

WASHINGTON, DC 20510

July 7, 2017

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The Honorable Ajit V. Pai
Chairman, Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Dear Chairman Pai:

As you stated in your June 15 letter, the Federal Communications Commission (FCC) previously suffered a “non-traditional DDoS attack,” which prevented the public from commenting on ongoing proceedings. We therefore write to ensure the FCC is prepared for the upcoming July 12 Day of Action to protect strong net neutrality rules.

On July 12, 2017, thousands of individuals will comment on Docket 17-108, a notice of proposed rulemaking that will roll back strong net neutrality protections, using the FCC’s website or through a third-party. As we have stated previously, it is critical to the rulemaking and regulatory process that the public be able to take part without unnecessary technical or administrative burden. The FCC must be able to accept all comments filed to ensure that all voices are heard.

Many individuals submitting comments do so through a third-party that connects to your comment filing system application programming interface (API). As you stated in your letter, on May 7-8, the API for your Electronic Communication Filing System (ECFS) was disabled by what you refer to as a “non-traditional DDoS” attack, which left individuals unable to comment, even if they were not attempting to use your API. This was an unacceptable mistake that left Americans disenfranchised from your comment process.

Due to the timing of the May 7-8 attack, which took place after a television host’s call to action, we are concerned that a similar attack may be planned to disrupt the Day of Action. We encourage you to seek out and employ ECFS measures that allow for flexible scalability and alternative methods of filing. Additionally, if it is known internally that the ECFS will not be able to withstand an attack similar to the May 7-8 attack, we urge you to undertake temporary measures to ensure a functioning system on and around the anticipated surge of legitimate comments. In case the ECFS is disabled through some new type of attack, it is critical that Americans be able to file a comment using other means. We request that you make available an alternative mechanism for the public to file a comment including either through the FCC’s own website and/or via a dedicated email address.

Thank you for your time and attention to this matter. Please respond to our staffs by July 11 indicating that necessary precautions are being taken. For any questions or clarifications, please contact Anderson Heiman of Senator Wyden’s staff and Melika Carroll of Senator Schatz’s staff.



Ron Wyden
United States Senator

Sincerely,



Brian Schatz
United States Senator