



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 4, 2018

OFFICE OF  
THE CHAIRMAN

The Honorable Eliot L. Engel  
U.S. House of Representatives  
2462 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Engel:

Thank you for your letter regarding the Federal Communications Commission's review of the record in the *Restoring Internet Freedom* rulemaking proceeding. I agree that transparency is crucial to the rulemaking process and can assure you that the Commission is staunchly committed to transparency and integrity in its proceedings, including in connection with the *Restoring Internet Freedom* docket. That is why one of my first actions as Chairman was to start a transparency initiative to publicly release the draft text of meeting items at least three weeks before the Commission votes on them.

The *Restoring Internet Freedom* proceeding reflected an historic amount of public interest and participation, which helped ensure that the Commission considered all important aspects of its decision last December to reclassify broadband Internet access service as an "information service" and return to the "light-touch" regulatory framework that fostered a free and open Internet in the United States for over twenty years prior to 2015. The Commission is grateful to all commenters who engaged the legal and public policy questions presented in this important rulemaking.

Similar to many important agency rulemakings across the federal government, this proceeding carried the potential for advocates on either side to abuse the process to create an appearance of numerical advantage. As your letter notes, it has been reported that some members of the public submitted comments using false names and others submitted comments associated with Russian email addresses in order to "run up the score" on either side. I can assure you, however, that the Commission does *not* make policy decisions merely by tallying the comments on either side of a proposal to determine what position appears to have greater support, nor does it attribute greater weight to comments based solely on the submitter's identity. Accordingly, the Commission has not asked commenters to provide identity verification or expended the enormous resources necessary to verify commenters' identities. Rather, the agency has focused on encouraging robust participation in its proceedings and ensuring that it has considered how the substance of submitted comments bear on the legal and public policy consequences of its actions.

The Commission has provided additional information about its comment review process in connection with the *Restoring Internet Freedom Order* in paragraphs 19 and 344-45 of the *Order* itself. As you will see there and throughout the *Order*, the Commission reviewed and addressed all substantive arguments raised by individual consumers, consumer advocates,

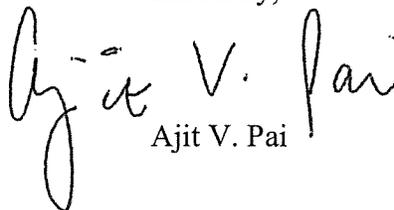
consumer groups, attorneys general, academics, members of Congress, and other members of the public.

Specifically, the Commission allowed members of the public to submit either traditional “standard filings” or “express comments” through its online Electronic Comment Filing System (ECFS). While “standard filings” are typically lengthier analyses submitted via a Word document, .PDF, or other attachment, our “express comments” portal allows members of the public to efficiently submit a short comment to the Commission using a simple web form. In reviewing the record in this proceeding, Commission staff analyzed all “standard filings” and all distinct form “express comments” for substantive issues. (Form comments are identical or near-identical comments submitted repeatedly into the record; these constituted the vast majority of “express comments” received.) Commission staff also developed a systematic process for review of non-form express comments, consistent with the recommendations of the Administrative Conference of the United States—the independent federal agency charged with ensuring the efficiency and reliability of agency decision-making.<sup>1</sup> Through this process, the Commission ensured that it issued an *Order* that reflected the substantive input of the diverse constituencies that participated in this rulemaking.

Your letter also asks about the Commission’s decision to deny a motion made by the National Hispanic Media Coalition (NHMC) to include copies of informal consumer complaint materials in the *Restoring Internet Freedom* record. The *Order* itself explains the reasons for the Commission’s decision, at paragraphs 339-343. Specifically, the *Order* explains, among other things, that the Commission’s routine review of consumer complaints, and its review of the voluminous record in this proceeding, helped ensure that the Commission did not overlook a significant problem that consumers had raised that could be relevant to the Commission’s decision. In addition, the *Order* notes that most of the consumer complaints proffered by NHMC have not been verified and that the overwhelming majority of them allege conduct unrelated to the Commission’s reclassification decision. Finally, the *Order* makes clear that NHMC was free to place into the record any documents, including copies of informal consumer complaint materials, that it considered relevant to the proceeding.

I appreciate your interest in this matter.

Sincerely,



Ajit V. Pai

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FEDERAL COMMUNICATIONS COMMISSION  
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OFFICE OF  
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The Honorable Gene Green  
U.S. House of Representatives  
2470 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Green:

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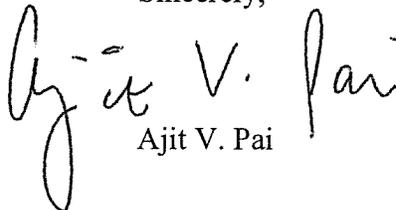
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OFFICE OF  
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June 4, 2018

The Honorable Bobby L. Rush  
U.S. House of Representatives  
2188 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Rush:

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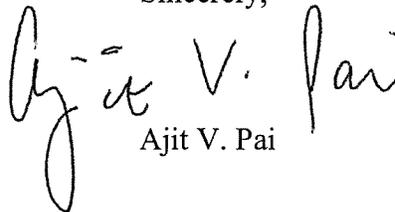
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WASHINGTON

OFFICE OF  
THE CHAIRMAN

June 4, 2018

The Honorable G.K. Butterfield  
U.S. House of Representatives  
2080 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Butterfield:

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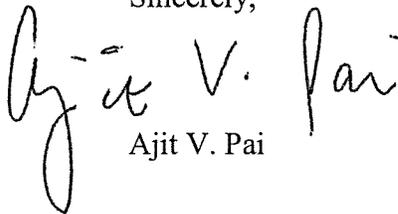
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 4, 2018

OFFICE OF  
THE CHAIRMAN

The Honorable Anna G. Eshoo  
U.S. House of Representatives  
241 Cannon House Office Building  
Washington, D.C. 20515

Dear Congresswoman Eshoo:

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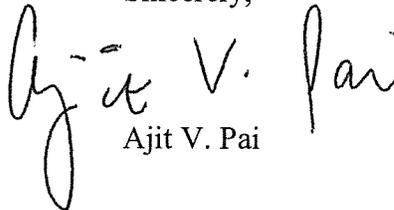
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 4, 2018

OFFICE OF  
THE CHAIRMAN

The Honorable Jan Schakowsky  
U.S. House of Representatives  
2367 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Schakowsky:

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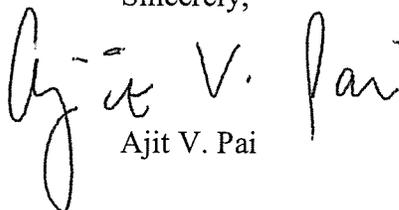
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June 4, 2018

OFFICE OF  
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The Honorable Doris Matsui  
U.S. House of Representatives  
2311 Rayburn House Office Building  
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Dear Congresswoman Matsui:

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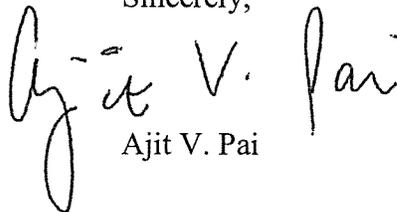
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I appreciate your interest in this matter.

Sincerely,



Ajit V. Pai

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

June 4, 2018

The Honorable Kathy Castor  
U.S. House of Representatives  
2052 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Castor:

Thank you for your letter regarding the Federal Communications Commission's review of the record in the *Restoring Internet Freedom* rulemaking proceeding. I agree that transparency is crucial to the rulemaking process and can assure you that the Commission is staunchly committed to transparency and integrity in its proceedings, including in connection with the *Restoring Internet Freedom* docket. That is why one of my first actions as Chairman was to start a transparency initiative to publicly release the draft text of meeting items at least three weeks before the Commission votes on them.

The *Restoring Internet Freedom* proceeding reflected an historic amount of public interest and participation, which helped ensure that the Commission considered all important aspects of its decision last December to reclassify broadband Internet access service as an "information service" and return to the "light-touch" regulatory framework that fostered a free and open Internet in the United States for over twenty years prior to 2015. The Commission is grateful to all commenters who engaged the legal and public policy questions presented in this important rulemaking.

Similar to many important agency rulemakings across the federal government, this proceeding carried the potential for advocates on either side to abuse the process to create an appearance of numerical advantage. As your letter notes, it has been reported that some members of the public submitted comments using false names and others submitted comments associated with Russian email addresses in order to "run up the score" on either side. I can assure you, however, that the Commission does *not* make policy decisions merely by tallying the comments on either side of a proposal to determine what position appears to have greater support, nor does it attribute greater weight to comments based solely on the submitter's identity. Accordingly, the Commission has not asked commenters to provide identity verification or expended the enormous resources necessary to verify commenters' identities. Rather, the agency has focused on encouraging robust participation in its proceedings and ensuring that it has considered how the substance of submitted comments bear on the legal and public policy consequences of its actions.

The Commission has provided additional information about its comment review process in connection with the *Restoring Internet Freedom Order* in paragraphs 19 and 344-45 of the *Order* itself. As you will see there and throughout the *Order*, the Commission reviewed and addressed all substantive arguments raised by individual consumers, consumer advocates,

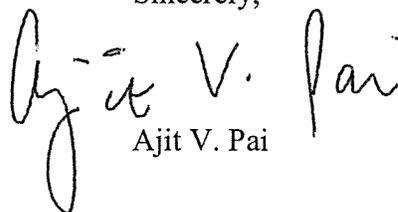
consumer groups, attorneys general, academics, members of Congress, and other members of the public.

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

June 4, 2018

The Honorable Jerry McNerney  
U.S. House of Representatives  
2265 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman McNerney:

Thank you for your letter regarding the Federal Communications Commission's review of the record in the *Restoring Internet Freedom* rulemaking proceeding. I agree that transparency is crucial to the rulemaking process and can assure you that the Commission is staunchly committed to transparency and integrity in its proceedings, including in connection with the *Restoring Internet Freedom* docket. That is why one of my first actions as Chairman was to start a transparency initiative to publicly release the draft text of meeting items at least three weeks before the Commission votes on them.

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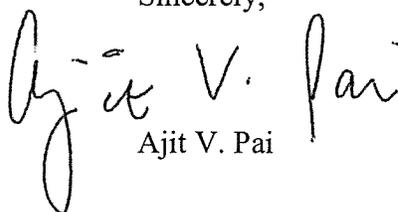
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OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 4, 2018

The Honorable Ben Ray Luján  
U.S. House of Representatives  
2231 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Luján:

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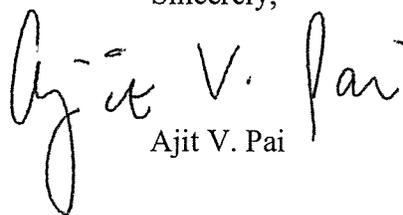
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OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 4, 2018

The Honorable Yvette D. Clarke  
U.S. House of Representatives  
2058 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Clarke:

Thank you for your letter regarding the Federal Communications Commission's review of the record in the *Restoring Internet Freedom* rulemaking proceeding. I agree that transparency is crucial to the rulemaking process and can assure you that the Commission is staunchly committed to transparency and integrity in its proceedings, including in connection with the *Restoring Internet Freedom* docket. That is why one of my first actions as Chairman was to start a transparency initiative to publicly release the draft text of meeting items at least three weeks before the Commission votes on them.

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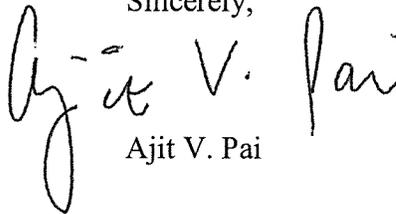
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OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 4, 2018

The Honorable Kurt Schrader  
U.S. House of Representatives  
2431 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Schrader:

Thank you for your letter regarding the Federal Communications Commission's review of the record in the *Restoring Internet Freedom* rulemaking proceeding. I agree that transparency is crucial to the rulemaking process and can assure you that the Commission is staunchly committed to transparency and integrity in its proceedings, including in connection with the *Restoring Internet Freedom* docket. That is why one of my first actions as Chairman was to start a transparency initiative to publicly release the draft text of meeting items at least three weeks before the Commission votes on them.

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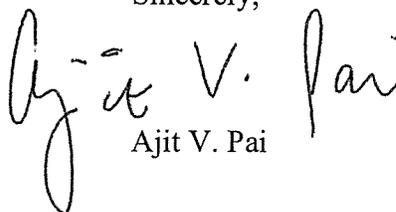
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 4, 2018

OFFICE OF  
THE CHAIRMAN

The Honorable Tony Cárdenas  
U.S. House of Representatives  
1510 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Cárdenas:

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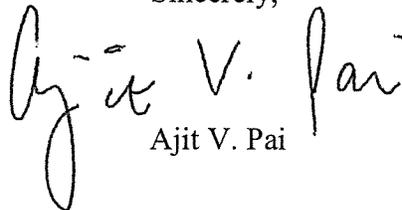
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 4, 2018

OFFICE OF  
THE CHAIRMAN

The Honorable John Sarbanes  
U.S. House of Representatives  
2444 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Sarbanes:

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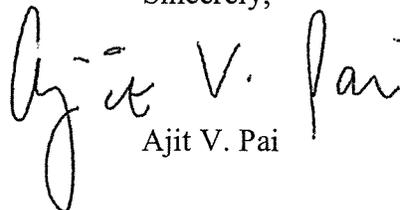
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I appreciate your interest in this matter.

Sincerely,



Ajit V. Pai

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

June 4, 2018

The Honorable Peter Welch  
U.S. House of Representatives  
2303 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Welch:

Thank you for your letter regarding the Federal Communications Commission's review of the record in the *Restoring Internet Freedom* rulemaking proceeding. I agree that transparency is crucial to the rulemaking process and can assure you that the Commission is staunchly committed to transparency and integrity in its proceedings, including in connection with the *Restoring Internet Freedom* docket. That is why one of my first actions as Chairman was to start a transparency initiative to publicly release the draft text of meeting items at least three weeks before the Commission votes on them.

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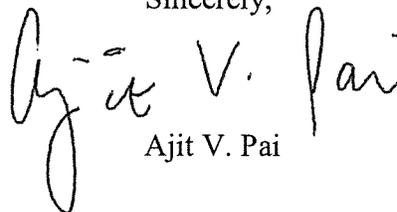
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

June 4, 2018

The Honorable Paul Tonko  
U.S. House of Representatives  
2463 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Tonko:

Thank you for your letter regarding the Federal Communications Commission's review of the record in the *Restoring Internet Freedom* rulemaking proceeding. I agree that transparency is crucial to the rulemaking process and can assure you that the Commission is staunchly committed to transparency and integrity in its proceedings, including in connection with the *Restoring Internet Freedom* docket. That is why one of my first actions as Chairman was to start a transparency initiative to publicly release the draft text of meeting items at least three weeks before the Commission votes on them.

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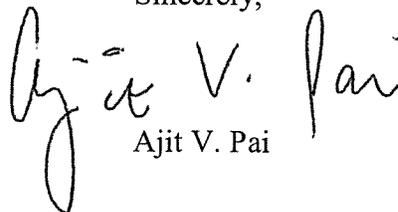
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 4, 2018

OFFICE OF  
THE CHAIRMAN

The Honorable Dave Loebsack  
U.S. House of Representatives  
1527 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Loebsack:

Thank you for your letter regarding the Federal Communications Commission's review of the record in the *Restoring Internet Freedom* rulemaking proceeding. I agree that transparency is crucial to the rulemaking process and can assure you that the Commission is staunchly committed to transparency and integrity in its proceedings, including in connection with the *Restoring Internet Freedom* docket. That is why one of my first actions as Chairman was to start a transparency initiative to publicly release the draft text of meeting items at least three weeks before the Commission votes on them.

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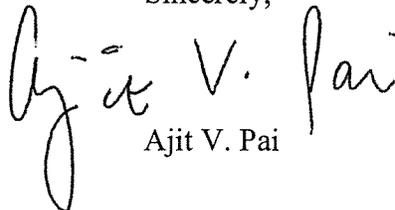
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OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 4, 2018

The Honorable Joseph P. Kennedy  
U.S. House of Representatives  
434 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Kennedy:

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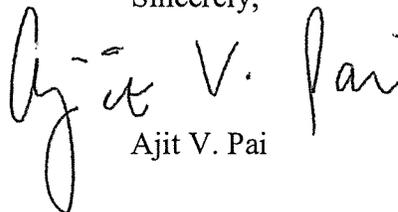
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OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 4, 2018

The Honorable Raul Ruiz  
U.S. House of Representatives  
1319 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Ruiz:

Thank you for your letter regarding the Federal Communications Commission's review of the record in the *Restoring Internet Freedom* rulemaking proceeding. I agree that transparency is crucial to the rulemaking process and can assure you that the Commission is staunchly committed to transparency and integrity in its proceedings, including in connection with the *Restoring Internet Freedom* docket. That is why one of my first actions as Chairman was to start a transparency initiative to publicly release the draft text of meeting items at least three weeks before the Commission votes on them.

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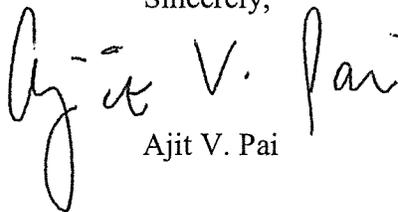
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OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 4, 2018

The Honorable Scott Peters  
U.S. House of Representatives  
1122 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Peters:

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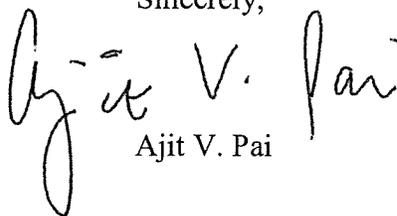
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I appreciate your interest in this matter.

Sincerely,



Ajit V. Pai

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<sup>20</sup> Administrative Conference Recommendation 2011-1, Legal Considerations in e-Rulemaking, Administrative Conference of the United States at 4 (June 16, 2011), available at <https://www.acus.gov/sites/default/files/documents/Recommendation-2011-1-Legal-Considerations-in-e-Rulemaking.pdf>.



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 4, 2018

The Honorable Debbie Dingell  
U.S. House of Representatives  
116 Cannon House Office Building  
Washington, D.C. 20515

Dear Congresswoman Dingell:

Thank you for your letter regarding the Federal Communications Commission's review of the record in the *Restoring Internet Freedom* rulemaking proceeding. I agree that transparency is crucial to the rulemaking process and can assure you that the Commission is staunchly committed to transparency and integrity in its proceedings, including in connection with the *Restoring Internet Freedom* docket. That is why one of my first actions as Chairman was to start a transparency initiative to publicly release the draft text of meeting items at least three weeks before the Commission votes on them.

The *Restoring Internet Freedom* proceeding reflected an historic amount of public interest and participation, which helped ensure that the Commission considered all important aspects of its decision last December to reclassify broadband Internet access service as an "information service" and return to the "light-touch" regulatory framework that fostered a free and open Internet in the United States for over twenty years prior to 2015. The Commission is grateful to all commenters who engaged the legal and public policy questions presented in this important rulemaking.

Similar to many important agency rulemakings across the federal government, this proceeding carried the potential for advocates on either side to abuse the process to create an appearance of numerical advantage. As your letter notes, it has been reported that some members of the public submitted comments using false names and others submitted comments associated with Russian email addresses in order to "run up the score" on either side. I can assure you, however, that the Commission does *not* make policy decisions merely by tallying the comments on either side of a proposal to determine what position appears to have greater support, nor does it attribute greater weight to comments based solely on the submitter's identity. Accordingly, the Commission has not asked commenters to provide identity verification or expended the enormous resources necessary to verify commenters' identities. Rather, the agency has focused on encouraging robust participation in its proceedings and ensuring that it has considered how the substance of submitted comments bear on the legal and public policy consequences of its actions.

The Commission has provided additional information about its comment review process in connection with the *Restoring Internet Freedom Order* in paragraphs 19 and 344-45 of the *Order* itself. As you will see there and throughout the *Order*, the Commission reviewed and addressed all substantive arguments raised by individual consumers, consumer advocates,

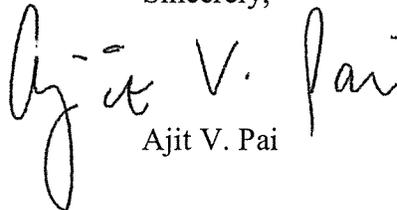
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

June 4, 2018

The Honorable Diana DeGette  
Committee on Energy and Commerce  
Subcommittee on Oversight and Investigations  
U.S. House of Representatives  
2322A House Office Building  
Washington, D.C. 20515

Dear Congresswoman DeGette:

Thank you for your letter regarding the Federal Communications Commission's review of the record in the *Restoring Internet Freedom* rulemaking proceeding. I agree that transparency is crucial to the rulemaking process and can assure you that the Commission is staunchly committed to transparency and integrity in its proceedings, including in connection with the *Restoring Internet Freedom* docket. That is why one of my first actions as Chairman was to start a transparency initiative to publicly release the draft text of meeting items at least three weeks before the Commission votes on them.

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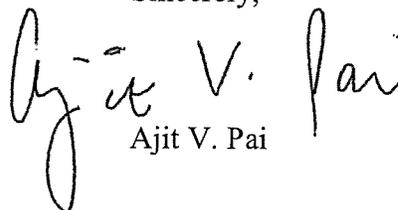
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

June 4, 2018

The Honorable Frank Pallone  
Committee on Energy and Commerce  
U.S. House of Representatives  
2322A Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Pallone:

Thank you for your letter regarding the Federal Communications Commission's review of the record in the *Restoring Internet Freedom* rulemaking proceeding. I agree that transparency is crucial to the rulemaking process and can assure you that the Commission is staunchly committed to transparency and integrity in its proceedings, including in connection with the *Restoring Internet Freedom* docket. That is why one of my first actions as Chairman was to start a transparency initiative to publicly release the draft text of meeting items at least three weeks before the Commission votes on them.

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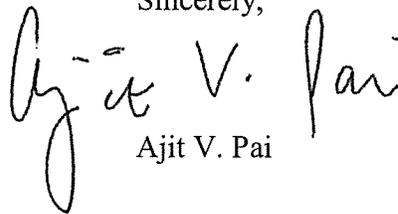
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

June 4, 2018

OFFICE OF  
THE CHAIRMAN

The Honorable Mike Doyle  
Committee on Energy and Commerce  
Subcommittee on Communications and Technology  
U.S. House of Representatives  
2322A Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Doyle:

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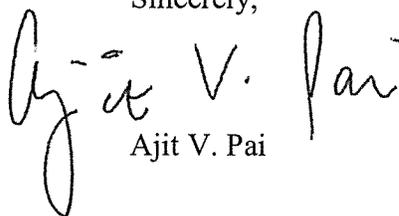
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