

United States Senate

WASHINGTON, DC 20510

December 6, 2017

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Dear Chairman Pai:

I write to express deep concerns with and opposition to your proposal to eliminate net neutrality rules. The Restoring Internet Freedom Order that the commission is expected to consider later this month would eliminate important consumer safeguards that protect a free and open internet. Particularly as we have seen increased consolidation among the nation's largest broadband providers, enactment of network neutrality rules was an important step toward making sure that consumers are protected when they connect to the online content of their choice. This has been echoed by the thousands of Missourians who have contacted my office in the past two weeks, as well as the overwhelming majority of the more than 443,000 Missourians who submitted public comments to the FCC on the issue earlier this year. Any effort to repeal these rules without putting alternative net neutrality safeguards in place is unacceptable.

The order's reliance on broadband providers to set their own policies regarding blocking, throttling, and prioritization, combined with an expectation that the Federal Trade Commission (FTC) will hold the companies accountable for abiding by those policies, is fundamentally flawed. Without requiring even the most basic baseline standards for net neutrality principles, the order effectively leaves the companies to regulate themselves, a model you and I both know does not work based on our work rooting out waste, fraud, and abuse in the Lifeline program. Although the FTC would be able to bring enforcement actions against at least some broadband providers for violating the policies the companies set, the fact that the FTC is responsible for policing nearly every sector of our economy leaves me skeptical that net neutrality enforcement would be a priority. With 35 percent more employees and a budget nearly 60 percent larger than the FTC's, the Federal *Communications* Commission – which Congress has specifically empowered to regulate interstate and international communications – is the appropriate agency to oversee and enforce net neutrality.

I am also concerned that in eliminating net neutrality rules the commission is abdicating its responsibility to protect consumers from other abusive practices by broadband providers in the future. As you are aware, for much of 2015 and 2016 as the Ranking Member on the Senate Permanent Subcommittee on Investigations, I worked with Senator Rob Portman on a bipartisan investigation into the customer service and billing practices of the nation's largest cable and satellite providers, most of which are also among the nation's largest providers of broadband service. Our investigation found almost all providers examined charged a host of fees that were not prominently displayed in advertised pricing, required customers wishing to cancel their

service to speak to “retention specialists” who were incentivized to not allow cancellations, and – in the case of two companies – overcharged consumers nationwide by millions of dollars without any system for tracking or refunding those charges. The commission has truth in billing rules in place for cable and phone companies, but none for broadband providers. Your order would seemingly eliminate the ability of the commission to ever adopt such rules.

Perhaps most troubling about the order is that it just furthers the unfortunate politicizing of this important policy issue. I have long said that Congress should settle the issue of net neutrality once and for all with legislation to provide certainty for consumers and providers alike. Until Congress can reach such an agreement, I urge you to abandon efforts to entirely eliminate net neutrality rules.

Sincerely,

A handwritten signature in blue ink that reads "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" being more prominent and the last name "McCaskill" following in a similar style.

Claire McCaskill  
United States Senator