



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

August 10, 2018

The Honorable Brian Schatz
United States Senate
722 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Schatz:

Thank you for your letter regarding the incident involving the FCC's Electronic Comment Filing System that took place on May 7-8, 2017. For several months, my office has been aware of and cooperating with the Office of Inspector General's independent investigation of that incident. The Office of the Inspector General asked my office not to discuss this investigation while it was ongoing so as not to jeopardize it, and my office accommodated that request.

The Office of the Inspector General thoroughly investigated what happened and has issued a comprehensive report. I believe that report, which I have attached to this letter, should answer your questions regarding that incident. I am deeply disappointed that the FCC's former Chief Information Officer, who was hired by the prior Administration and is no longer with the Commission, provided inaccurate information about this incident to me, my office, Congress, and the American people. Among other assertions made to my office, he claimed that "we're 99.9% confident this was external folks deliberately trying to tie-up the server to prevent others from commenting and/or create a spectacle." Inaccuracies like this are completely unacceptable. I'm also disappointed that some working under the former Chief Information Officer apparently either disagreed with the information that he was presenting or had questions about it, yet didn't feel comfortable communicating their concerns to me or my office.

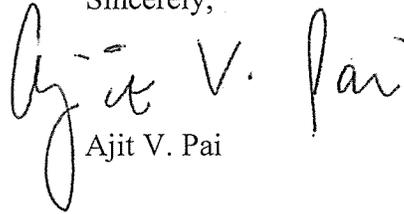
Looking ahead, the most important question is what can be done to prevent this from happening again. For one thing, it is abundantly clear that the ECFS needs to be updated. I'm therefore pleased that Congress recently approved a reprogramming request that provides us with the funding necessary to redesign ECFS. And it is also clear we inherited from the prior Administration a culture in which many members of the Commission's career IT staff were hesitant to express disagreement with the Commission's former Chief Information Officer in front of FCC management. In the wake of this report, we will make it clear that staff are encouraged to speak up if they believe that inaccurate information is being provided to the Commission's leadership.

I have directed staff to fully cooperate with the Government Accountability Office's review and evaluation of the FCC's ECFS security and vulnerability to attack. With respect to the 2014 incident that you mention, I was not leading the agency at that time. While last year the agency's former Chief Information Officer did share with my office his view of that incident, in light of the Office of Inspector General's investigation into the 2017 incident, I cannot say that I have confidence in the accuracy of the information he presented to us.

Page 2—The Honorable Brian Schatz

I appreciate your interest in this matter. Please let me know if I may be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Ajit V. Pai". The signature is written in a cursive style with a large initial "A" and a long, sweeping underline.

Ajit V. Pai



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The Honorable Ron Wyden
United States Senate
221 Dirksen Senate Office Building
Washington, D.C. 20510

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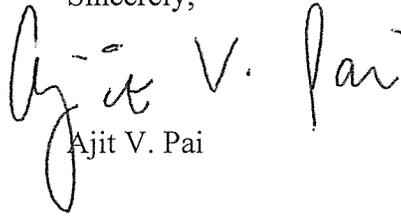
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