

September 6, 2018

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

Dear Chairman Pai,

We write to express our alarm with the revelations that Verizon Communications drastically slowed the data plan that the Santa Clara County Fire Department (SCFD) had purchased from Verizon while it was in the middle of fighting the Mendocino Complex fire, the largest in our state's history.

As you know, a key part of the FCC's work is to ensure that internet service providers such as Verizon are transparent about the terms of the services they provide to customers. Communications between the department and Verizon suggest that SCFD believed the data plan it purchased from Verizon was not subject to any data limits or throttling. We therefore ask the FCC to investigate whether Verizon violated 47 CFR § 8.1, which requires internet service providers to publicly disclose information about their "network management practices, performance characteristics, and commercial terms of their broadband internet access services sufficient to enable consumers to make informed choices regarding the purchase and use of such services."

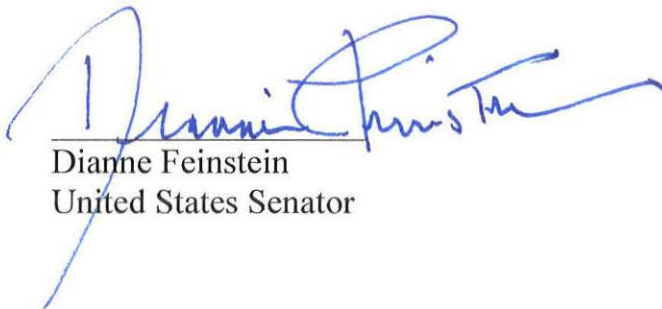
While all consumers should be afforded equal protections under the FCC's transparency rule, the dangers from non-compliance with this rule are even greater when first responders are affected. In times of an emergency, efficient and effective communications systems are some of the most important tools our first responders need to be able to respond to an incident.

Our first responders should have the communications tools they need to effectively protect our communities, regardless of their Internet service provider. In addition to commencing an investigation into Verizon's actions, we ask that you request the following information from AT&T, T-Mobile, and Sprint as well:

1. How do you ensure that your public safety customers are aware of restrictions on their data plans (in advance of purchase), including data caps and conditions for reduced speeds?
2. Do you currently impose any data caps or reduce speeds after a certain point on any service plans purchased by public safety customers? Please specify the conditions under which speeds are reduced, and the criteria used.
3. In the event that you answered affirmatively to the second question, what protocols do you have in place to allow public safety customers to designate certain mission-critical activities (such as actively responding to an emergency) that are then exempt from any data caps or throttling?

We thank you for your attention to this urgent matter and respectfully request a response to this inquiry, confirming that you will be able to complete this investigation in a timely manner. Given that we are in the middle of one of the worst fire seasons in our state's history, we ask that you move expeditiously to complete this request.

Sincerely,



Dianne Feinstein  
United States Senator



Kamala D. Harris  
United States Senator

Cc: Commissioner Michael O'Rielly  
Commissioner Brendan Carr  
Commissioner Jessica Rosenworcel  
Rosemary Harold, Bureau Chief, Enforcement Bureau  
Lisa M. Fowlkes, Bureau Chief, Public Safety Bureau