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June 28, 2018

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

Dear Chairman Pai:

Your April 27, 2018 response to my inquiry regarding the collection and use of consumers' television viewing information by the data analysis firm Cambridge Analytica raises more questions than answers. The FCC has clear authority and a responsibility to protect the viewing data of cable and satellite television subscribers. Your punting this matter to the FTC raises questions as to whether the FCC takes serious its obligation to aggressively and effectively protect consumer privacy. This is greatly concerning to me, and should be to you, too. Studies have shown that consumers are very worried about the privacy and security of their personal data.¹

As you acknowledge in your letter, Sections 338² and 631³ of the Communications Act prohibit cable and satellite operators from disclosing a subscriber's Personally Identifiable Information (PII) without prior consent from the subscriber. Yet you declined to investigate whether any violation of Sections 338 or 631 occurred, because it was "unclear" what data Cambridge Analytica acquired. While the FTC has jurisdiction over TiVo and ComScore, the FCC has responsibility to investigate whether companies under its jurisdiction violated the Communications Act. This is critical because the FTC is not empowered to enforce the Communications Act privacy protections.

I would like a better understanding of whether the FCC is currently, or has recently, acted to protect subscriber data. So the public can better understand the priority the FCC places on ensuring our data is appropriately protected, please provide answers to the following questions

¹ *New Survey Finds Deep Consumer Anxiety over Data Privacy and Security*, Press Release (April 16, 2018) (press release).

² 47 U.S.C. § 338(i).

³ 47 U.S.C. § 551.

about the enforcement of the cable and satellite privacy provisions.⁴ For each inquiry, please identify separately the answer for each Section of the Act.

1. In the past three years, how many investigations has the FCC initiated to determine whether a target was in compliance with either Section 338 or Section 631 of the Communications Act?
2. In the past three years, how many investigations regarding a target's compliance with either Section 338 or Section 631 of the Communications Act has the FCC closed?
3. In the past three years, how many Notices of Apparent Liability (NAL) has the Commission released indicating that a target was apparently liable for violating either Section 338 or Section 631 of the Communications Act? Please provide citations to all such NALs.
4. In the past three years, how many Forfeiture Orders (FO) has the Commission released finding that a target was apparently liable for violating either Section 338 or Section 631 of the Communications Act? Please provide citations to all such FOs.
5. In the past three years, how many Consent Decrees (CDs) has the Commission or any of its Bureaus entered into to resolve questions of whether a target was in compliance with either Section 338 or Section 631 of the Act? Please provide citations to all such CDs.
6. How many investigations or cases regarding compliance with either Section 338 or Section 631 of the Communications Act are currently pending, either at the Bureau or Commission level?
7. In the past three years, has the Commission issued any guidance to industry regarding its responsibilities under Section 338 or 631 of the Communications Act? Please provide citations to all such public notices.

I appreciate your assistance with this important matter. Please provide a response to this letter within three weeks of receipt. Should you have any questions regarding this request, please contact Kevin Dollhopf in the Office of Congresswoman Debbie Dingell at (202) 225-4071 or at kevin.dollhopf@mail.house.gov

Sincerely,



Debbie Dingell
Member of Congress

⁴ While I understand that you cannot disclose details of any pending investigation, such information should not be needed to answer any of the questions.