

August 7, 2017

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

Dear Chairman Pai,

We are writing in connection with Verizon's reported throttling of Netflix, YouTube, and other video services, to request that the FCC investigate these reports. "Throttling" is the illegal practice of slowing or degrading web traffic to one site or application while allowing it to move freely to others. The FCC has a responsibility and mandate from Congress to prevent such discrimination by internet service providers, and to guard against such potential violations of the agency's Open Internet rules.

When these reports arose, Verizon claimed that it applies the same kind of throttling to its own services, including content from sites like the AOL properties or go90 service that Verizon own. But even if that is true, it misses the point and does little to remedy the discriminatory control Verizon is exercising.

For one thing, we currently have no way of knowing for sure whether Verizon actually applies the same speed limits and slowdowns to its own video services. Yet, even if it does, that still begs the question of why Verizon is degrading video for its customers at all – in the process degrading the quality and value of the internet connections that its users buy.

Having phone and cable companies pick winners and losers online is exactly what the Open Internet rules are designed to prevent. The FCC's 2015 decision adopting those rules made it clear that discriminating against a whole class of applications is no excuse. Verizon shouldn't be picking the content of communications, the news and information, or the political viewpoints that its customers can access on the internet. Neither should it decide that all video sites and apps will work less well than other kinds of sites and apps – putting culturally relevant and highly desirable video content into a slow lane for no legitimate technical reason.

As such, it is crucial that the FCC take swift action to find out how and why Verizon is implementing this new business practice. Behavior like this is exactly what the 2015 open internet order was necessary to address – to ensure that internet providers do not engage in anticompetitive practices that harm competing viewpoints and that rob internet users of the choices they enjoy today.

The FCC Enforcement Bureau's mission is to "investigate and respond quickly to unlawful conduct to ensure "consumer protection in an era of complex communications" and "a level playing field to promote robust competition."<sup>1</sup> In light of that duty to enforce the rules still on the books today, we would like to know what steps the FCC plans to take to examine what appears to be a violation of the FCC's "bright-line" Net Neutrality rules against throttling internet data.

We are aware that the FCC, under your leadership, is in the midst of an effort to change the Open Internet rules. Nonetheless, as long as those rules remain the law of the land, the Commission has a duty to investigate violations of them and take a close look at Verizon's questionable behavior.

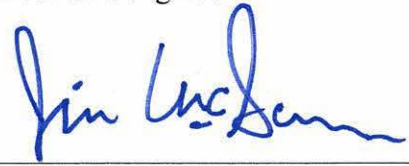
We look forward to your timely response.

Sincerely,


  
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Keith Ellison  
Member of Congress

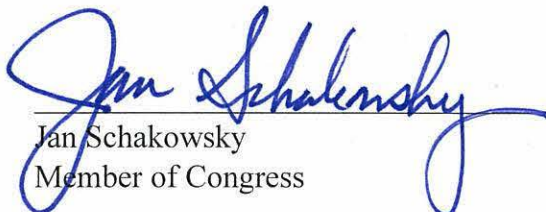
  
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Earl Blumenauer  
Member of Congress

  
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Jared Polis  
Member of Congress

  
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James P. McGovern  
Member of Congress

  
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Peter A. DeFazio  
Member of Congress

  
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Ro Khanna  
Member of Congress

  
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Jan Schakowsky  
Member of Congress

CC: Rosemary Harold, Federal Communications Commission Enforcement Bureau Chief

1. <https://www.fcc.gov/enforcement>