

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives

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COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927

Minority (202) 225-3641

November 8, 2019

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

Dear Chairman Pai:

As members of the Committee on Energy and Commerce, Subcommittee on Communications and Technology, we write regarding our growing concern that the Federal Communications Commission (FCC) is failing in its duty to enforce the laws Congress passed to protect consumers' privacy. This Committee has repeatedly urged you to act quickly to protect consumers' privacy interests, and unfortunately you have failed to do so.

Over a year ago, in May 2018, we first learned that major wireless carriers were disclosing consumers' real-time location data to third-party data aggregators. These aggregators were then selling location-based services to a wide variety of companies, without the consent or knowledge of the affected customers.¹ We eventually learned how widely this location data was shared and the ease with which the information could be obtained from private companies, including by bounty hunters.²

¹ See Jennifer Valentino-DeVries, *Service Meant to Monitor Inmates' Calls Could Track You, Too*, New York Times (May 10, 2018), www.nytimes.com/2018/05/10/technology/cellphone-tracking-law-enforcement.html; Joseph Cox, *Hundreds of Bounty Hunters Had Access to AT&T, T-Mobile, and Sprint Customer Location Data for Years*, Motherboard (Feb. 6, 2019), motherboard.vice.com/en_us/article/43z3dn/hundreds-bounty-hunters-att-tmobile-sprint-customer-location-data-years; Joseph Cox, *I Gave a Bounty Hunter \$300. Then He Located Our Phone*, Motherboard (Jan. 8, 2019), www.motherboard.vice.com/en_us/article/nepxbz/i-gave-a-bounty-hunter-300-dollars-located-phone-microbilt-zumigo-tmobile.

² See Joseph Cox, *Stalkers and Debt Collectors Impersonate Cops to Trick Big Telecom Into Giving them Cell Phone Location Data*, Motherboard (Mar. 6, 2019),

Against this backdrop, on several occasions, Committee members have made it clear that the FCC must act expeditiously to fulfill its obligation to protect consumers' privacy interests and hold carriers accountable to the extent they have violated the FCC's rules. The requests include the following:

- On January 11, 2019, Chairman Pallone urged you to promptly brief the Committee on the FCC's failure to end wireless carriers' unauthorized disclosure of consumers' real-time location data in light of the public safety and national security issues raised by this disclosure.
- On February 4, 2019, Chairmen Pallone and Doyle asked you to update the Committee on all matters the FCC was working on, including enforcement matters.
- On February 19, 2019, Chairmen Pallone and Doyle asked you to provide the Committee all documents related to your decision to deny the January 11, 2019 request for an emergency briefing on the carriers' unauthorized disclosure.
- On May 15, 2019, the Subcommittee on Communications and Technology held an oversight hearing where several members of this Committee expressed alarm over the wireless carriers' unauthorized disclosure and sought more information on the status of the FCC's investigation into the matter.

As a result of the work of members of the Committee, and others, reports indicate that these carriers have stopped the sharing of real-time location data with data aggregators.³ This is good news. Nevertheless, we are concerned that the Commission is shirking its obligation to enforce the Communications Act and the rules it has issued to protect consumers' privacy. Despite announcing that it began an investigation into the wireless carriers after being made aware of the allegations in 2018, the FCC has failed, to date, to take any action. And now time is running out since the statute of limitations gives the FCC one year to act.

www.motherboard.vice.com/en_us/article/panvkz/stalkers-debt-collectors-bounty-hunters-impersonate-cops-phone-location-data.

³ See, e.g., Kendra Chamberlain, *Wireless carriers tell FCC they stopped selling user location data to aggregators*, Fierce Wireless (May 17, 2019), www.fiercewireless.com/tech/at-t-sprint-verizon-and-t-mobile-respond-to-fcc-s-request-for-update-location-data-services; Jon Reid, *AT&T, Verizon Say They've Stopped Selling Location Data to Third Parties*, Bloomberg Law (May 16, 2019), www.news.bloomberglaw.com/tech-and-telecom-law/at-t-verizon-say-theyve-stopped-selling-location-data-to-third-parties.

To that end, we request that you provide an update on the FCC's investigation into the carriers' disclosure of consumers' real-time location data by November 29, 2019. Should you have any questions, please contact Gerald Leverich of the Democratic Committee staff at (202) 225-2927.

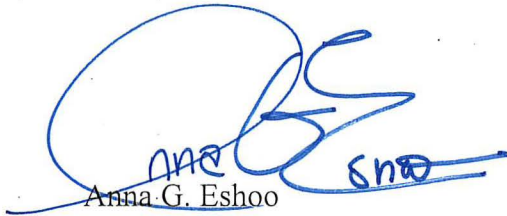
Sincerely,



Frank Pallone, Jr.
Chairman
Committee on Energy and Commerce



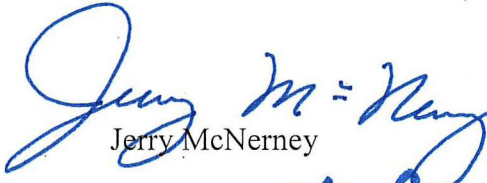
Mike Doyle
Chairman
Subcommittee on Communications
and Technology



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Jerry McNerney



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