



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF THE  
CHAIRWOMAN

November 14, 2023

The Honorable Tim Walberg  
U.S. House of Representatives  
2266 Rayburn House Office Building  
Washington, DC 20515

Dear Representative Walberg:

Thank you for your letter of October 6, 2023 regarding the Safeguarding and Securing the Open Internet proceeding at the Federal Communications Commission.

Paragraph 105 of the Notice of Proposed Rulemaking, as adopted by the Commission on October 19, 2023 expressly and unambiguously proposed to forbear from provisions of Title II that would enable the agency to engage in rate regulation for broadband. It states:

We propose to forbear from all provisions of Title II that would permit Commission regulation of BIAS rates. We believe that Commission rate regulation is unnecessary because the tailored approach we adopt here will enable the Commission to promote broadband deployment and competition, and because we will be able to rely on sections 201 and 202 to address non-rate related issues. Therefore, while we do not propose to forbear from sections 201 and 202 of the Act as a general matter, we ‘do not and cannot envision adopting new *ex ante* rate regulation’ or *ex post* rate regulation of BIAS, and we therefore propose to forbear from applying sections 201 and 202 to BIAS insofar as they would support adoption of rate regulations for BIAS. We seek comment on this proposal.<sup>1</sup>

I have no interest in pursuing regulation of broadband rates, as I made clear in my statement accompanying the adoption of this Notice of Proposed Rulemaking when I stated: “This is not a stalking horse for rate regulation. Nope. No how, no way.” Moreover, in the same statement, I added that we know that competition is the best way to bring down rates for consumers and that approaches like the Affordable Connectivity Program are the best bet for making sure service is affordable for all.

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<sup>1</sup> *Safeguarding and Securing the Open Internet*, WC Docket No. 23-230, Notice of Proposed Rulemaking, FCC 23-83, para. 105 (rel. October 20, 2023).

I appreciate your views on this matter and will ensure that your comments are carefully considered in this rulemaking proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Rosenworcel", with a long horizontal flourish extending to the right.

Jessica Rosenworcel