



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

December 5, 2023

The Honorable Eric Schmitt
United States Senate
B11 Senate Russell Office Building
Washington, DC 20510

Dear Senator Schmitt:

Thank you for your letter regarding the Safeguarding and Securing the Open Internet proceeding at the Federal Communications Commission.

I appreciate your views on this matter and will ensure that your comments are carefully considered in this rulemaking proceeding. I believe that broadband is an essential service. The pandemic demonstrated this with striking clarity. Everyone, everywhere in this country needs access to broadband to have a fair shot at 21st century success.

However, in 2017, despite overwhelming opposition, the Federal Communications Commission repealed its net neutrality policy and stepped away from its authority over broadband. This decision put the agency on the wrong side of history, the wrong side of the law, and the wrong side of the American public. As a result, it means that in the United States today there is no expert agency ensuring that access to the internet is fast, open, and fair. This retreat from oversight of broadband—a service we now know is necessary for modern life—has also exposed serious safety and security vulnerabilities that cannot stand.

That is why on October 19, 2023, the agency initiated a proceeding to support a fast, open, and fair internet and restore the agency's authority over broadband service. The rulemaking that we adopted proposes to reinstate enforceable, bright-line rules to prevent blocking, throttling, and paid prioritization. These rules would ensure that the internet remains open and a haven for creating without permission, building community beyond geography, and organizing without physical constraints. They are also rules that have been upheld in court. In other words, our legal system has already pronounced the rules we have proposed lawful and proper under the Communications Act.

The rulemaking contains a detailed discussion of the FCC's legal authority to classify broadband under Title II of the Communications Act. It also seeks comment on that authority, as well as constitutional considerations that should inform the agency's evaluation of the issues.

A copy of your letter has been placed in the docket for this proceeding, and I look forward to receiving other comments on all aspects of this rulemaking, including the agency's legal authority in this area. I assure you that they will be carefully considered.

Sincerely,

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

Jessica Rosenworcel