

# United States Senate

WASHINGTON, DC 20510

May 9, 2017

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

Dear Chairman Pai,

We write to convey our strong opposition to the Notice of Proposed Rulemaking that would undermine the Open Internet Order and gut critical net neutrality protections.

Net neutrality rules protect the free flow of ideas that are creating new industries, educating our youth, promoting free speech, and supporting the communications that we rely on every day. Without the Open Internet Order, Internet Service Providers could discriminate against certain services, potentially distorting competition, stifling innovation, and hampering user choice and free expression. Eliminating the Open Internet Order and reclassifying broadband as an information service will also prohibit the FCC from adopting other important protections, such as expanding the Lifeline program to broadband, protecting subscribers' broadband privacy, and promoting broadband competition.

While you claim you support a free and open internet, you also want to reclassify broadband back to an information service. Yet, in 2010, the Commission attempted to put net neutrality rules in place without reclassifying under Title II of the Communications Act, and the D.C. Circuit Court eventually invalidated those rules in *Verizon v. FCC*. The FCC, in correctly reading the *Verizon* decision, went back in 2015 and adopted the Open Internet Order, which reclassified broadband as a telecommunication service under Title II. The D.C. Circuit upheld the rules in its 2016 decision: *U.S. Telecom Association v. FCC*. The issue is settled. We urge you not to repeat past mistakes and ask instead that you maintain the successful current regime.

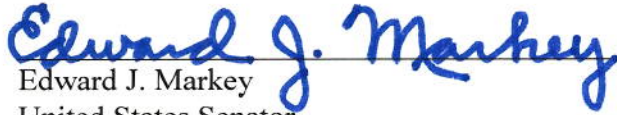
We also oppose efforts to put "voluntary guidelines" in place. Voluntary guidelines do not provide the certainty needed to entrepreneurs, innovators, and anyone else with an idea that they can access potential viewers and customers, and still leaves the essential internet gatekeeper function in the hands of the few and powerful.


It was Congress' intent to preserve the FCC's authority to forestall threats to competition and innovation in telecommunications services, even as the technologies used to offer those services evolve over time. Broadband has become the single most important telecommunications service Americans use to transmit information to one another, and it has become clear that innovators, businesses, and consumers overwhelmingly view broadband as a telecommunications service.

Just a few years ago, four million voices told the FCC that both our economy and the free expression of ideas depend on the open internet. The same holds true today. We urge you to

revoke this harmful proposed rule and protect the free and open internet by maintaining and enforcing the Open Internet Order.


Sincerely,

  
Edward J. Markey  
United States Senator


  
Charles E. Schumer  
United States Senator

  
Richard Blumenthal  
United States Senator


  
Al Franken  
United States Senator

  
Ron Wyden  
United States Senator

  
Kirsten Gillibrand  
United States Senator

  
Tom Udall  
United States Senator

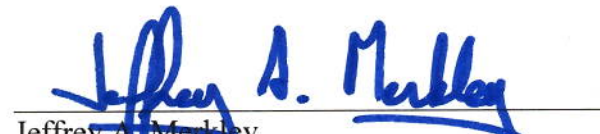
  
Cory A. Booker  
United States Senator

  
Elizabeth Warren  
United States Senator

  
Bernard Sanders  
United States Senator

  
Patrick Leahy  
United States Senator

  
Martin Heinrich  
United States Senator

  
Jeffrey A. Merkley  
United States Senator