

# United States Senate

WASHINGTON, DC 20510

December 14, 2017

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

Dear Chairman Pai:

We are writing to urge you to cancel today's vote on the Restoring Internet Freedom Order (Docket 17-108). This is a matter of enormous importance with significant implications for our entire economy, and therefore merits the most thorough, deliberate, and thoughtful process that can be provided. The process thus far in this important matter has not met that standard.

Repealing the FCC's net neutrality rules will undermine longstanding protections that have ensured the open internet as a powerful and transformative platform of innovation and economic opportunity. We are concerned about the proposed order's impact on the free market that has driven growth in our economy for years, and the potential adverse effect on rural America's ability to realize the internet's full potential. Given that this change will affect every sector of the U.S. economy, we are also concerned about the speed of the process, the lack of public hearings, and the underlying rationale for repealing net neutrality without an adequate replacement.

For decades, FCC chairs from both parties have used a mix of tools including enforcement actions and policy statements to ensure that American consumers can access online content, educational services, and important applications without fear of discriminatory practices or content blocking. Unfortunately, your proposal repeals common sense protections that today prohibit internet service providers (ISPs) from blocking lawful content, charging websites and services for access to subscribers, creating pay-for-play fast lanes, and engaging in unreasonable discrimination. The proposal removes basic oversight over broadband provider practices that would impede the internet's ability to serve our democracy, empower consumers, and fuel economic growth.

By replacing these protections with a limited transparency requirement and enforcement by the Federal Trade Commission (FTC), rather than the FCC, this proposal fails to ensure that the open internet will continue to benefit and drive innovation in our economy. The FTC's definition of anti-competitive conduct would likely allow most violations of current net neutrality protections, including allowing ISPs to charge websites and services for access and fast lanes to customers, promote certain content over others, and to otherwise engage in discriminatory practices.

The open internet has fostered a dynamic digital economy, connected communities, and provided small businesses and startups unlimited opportunities to create and develop content and technologies that have improved lives all across the globe. Net neutrality has ensured that the internet has been a level playing field leading to the online entrepreneurial explosion unparalleled in American history, changing nearly every facet of Americans' lives and bringing

efficiency to every market in our economy. Removing these protections - and thus market certainty - would cause immediate harm to the innovation economy. Access fees, fast lanes, and preferential treatment of content would undermine the openness of the internet and disproportionately hurt startups' and small businesses' ability to compete with entrenched incumbents, discouraging investment in early stage companies.

Beyond these market effects, the proposal removes FCC oversight over interconnection points that allow rural carriers to connect with the rest of the internet, and hinders rural carriers' ability to deploy broadband in underserved areas, undermining efforts to bring adequate broadband to all Americans. This is especially important in the context of information services. We also believe it is critical that the FCC craft a framework to ensure that no carrier's network management practices have the effect of degrading the customer experience on other networks. Simply repealing the 2015 Net Neutrality rules will not put that framework into place. The FCC should not set aside the 2015 framework without addressing the legitimate concerns of rural providers and ensuring the availability of tools to support the continued buildout of rural broadband.

Given these concerns, we believe a more careful, deliberative process involving experts and the public is warranted, just as you called for in the 2014 proceedings. We respectfully ask that the Commission cancel the vote on the proposed order as scheduled and give Congress and the FCC the time to hold public hearings in 2018 in order to investigate the best way to ensure citizens and our economy have strong net neutrality protections that guarantee consumer choice, free markets, and continued growth. Thank you for your consideration of this important matter and please do not hesitate to be in touch if you have any questions.

Sincerely,



Angus S. King, Jr.  
United States Senator



Susan M. Collins  
United States Senator