



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

January 19, 2018

The Honorable Richard Blumenthal
United States Senate
706 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for your letter involving the Commission's Restoring Internet Freedom proceeding. On May 18, 2017, the Commission adopted the Restoring Internet Freedom Notice of Proposed Rulemaking (NPRM).¹ The NPRM solicited public input and, in response, received over 22 million comments—more than any other rulemaking in the Commission's history. In an *Order* adopted on December 14, the Commission determined that Title I of the Communications Act provided the best legal framework for both protecting Internet freedom and providing strong incentives for investment and innovation in the next-generation networks that could bring digital opportunity to all Americans. The *Order* was released on January 4, 2018.

The Commission grounded its decision to restore the bipartisan consensus on light-touch, Title I Internet regulation on a robust factual record. After conducting a thorough review of that record, the Commission addressed all significant issues that had been raised.

With respect to the 50,000 *informal* complaints you reference from the National Hispanic Media Coalition's FOIA request, we specifically addressed this issue in the *Order*. Notably, the Commission expended substantial resources to supply thousands of documents involving these complaints, and supplied them long before the record closed. Indeed, the record remained open for over three months after the documents were produced pursuant to the FOIA request, which provided ample opportunity for the National Hispanic Media Coalition to submit them into the record. And parties had ample opportunity to meaningfully review them and provide comment during the Commission's *ex parte* period, which ended when the Sunshine Period began—on December 7, 2017.

Because the Commission did not rely on these informal complaints as the basis for its determination, it does not have an obligation to incorporate materials relating to those complaints into the record.² Nonetheless, the Commission takes consumer complaints seriously and finds them valuable in informing us about potential violations of the Commission's rules. Since the *Title II Order*'s rules became effective in June 2015, the Consumer and Governmental Affairs

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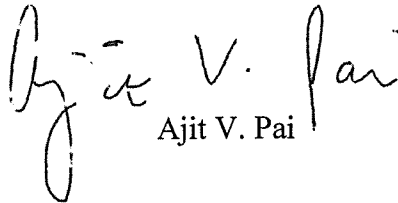
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Bureau has engaged in an ongoing review of informal consumer complaints. Many complaints convey frustration or dissatisfaction with a person or entity or discuss a subject without actually alleging wrongdoing on which the Commission may act; others represent isolated incidents that do not form a trend that allow judicious use of our limited resources. Most do not allege conduct that relates to or violates the Title II Internet regulations imposed by the Commission in 2015.

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I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

January 19, 2018

The Honorable Al Franken
United States Senate
309 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Franken:

Thank you for your letter involving the Commission's Restoring Internet Freedom proceeding. On May 18, 2017, the Commission adopted the Restoring Internet Freedom Notice of Proposed Rulemaking (NPRM).³ The NPRM solicited public input and, in response, received over 22 million comments—more than any other rulemaking in the Commission's history. In an *Order* adopted on December 14, the Commission determined that Title I of the Communications Act provided the best legal framework for both protecting Internet freedom and providing strong incentives for investment and innovation in the next-generation networks that could bring digital opportunity to all Americans. The *Order* was released on January 4, 2018.

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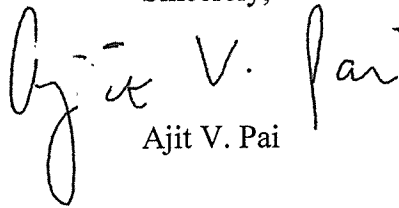
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

January 19, 2018

The Honorable Kamala D. Harris
United States Senate
B40B Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Harris:

Thank you for your letter involving the Commission's Restoring Internet Freedom proceeding. On May 18, 2017, the Commission adopted the Restoring Internet Freedom Notice of Proposed Rulemaking (NPRM).⁵ The NPRM solicited public input and, in response, received over 22 million comments—more than any other rulemaking in the Commission's history. In an *Order* adopted on December 14, the Commission determined that Title I of the Communications Act provided the best legal framework for both protecting Internet freedom and providing strong incentives for investment and innovation in the next-generation networks that could bring digital opportunity to all Americans. The *Order* was released on January 4, 2018.

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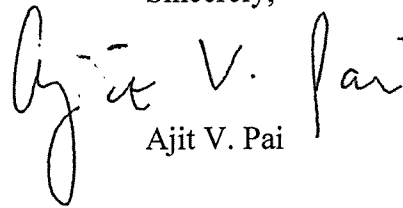
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

January 19, 2018

The Honorable Edward J. Markey
United States Senate
255 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your letter involving the Commission's Restoring Internet Freedom proceeding. On May 18, 2017, the Commission adopted the Restoring Internet Freedom Notice of Proposed Rulemaking (NPRM).⁷ The NPRM solicited public input and, in response, received over 22 million comments—more than any other rulemaking in the Commission's history. In an *Order* adopted on December 14, the Commission determined that Title I of the Communications Act provided the best legal framework for both protecting Internet freedom and providing strong incentives for investment and innovation in the next-generation networks that could bring digital opportunity to all Americans. The *Order* was released on January 4, 2018.

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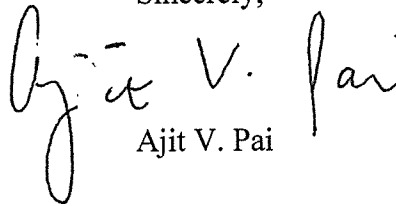
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FEDERAL COMMUNICATIONS COMMISSION
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OFFICE OF
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January 19, 2018

The Honorable Brian Schatz
United States Senate
722 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Schatz:

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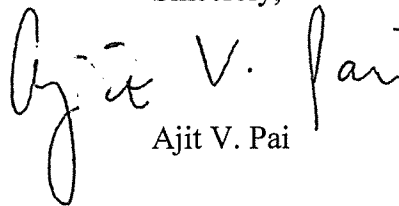
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January 19, 2018

The Honorable Charles E. Schumer
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Schumer:

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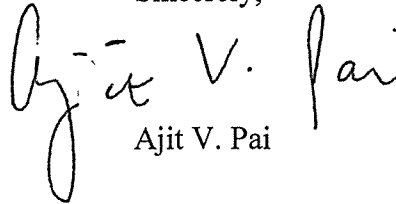
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January 19, 2018

The Honorable Chris Van Hollen
United States Senate
B40C Dirksen Senate Office Building
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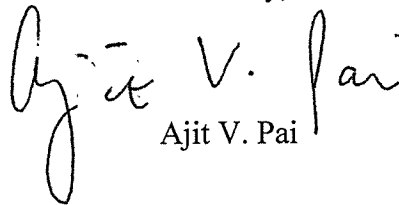
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FEDERAL COMMUNICATIONS COMMISSION
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OFFICE OF
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January 19, 2018

The Honorable Elizabeth Warren
United States Senate
317 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Warren:

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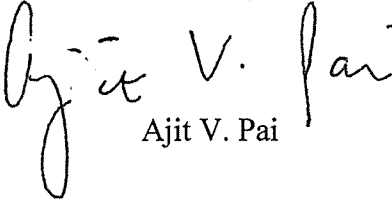
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Staff from the Consumer and Governmental Affairs Bureau review all informal complaints received by the Commission and work with staff in the Enforcement Bureau who also monitor media reports and conduct additional research to identify complaint trends so the Commission can best target its enforcement capabilities toward entities that have a pattern of violating the Communications Act and the Commission's rules, regulations, and orders. In addition to this review, quantitative data about all of the informal complaints received by the Commission, as well as the general subject matter of the complaints, is publicly available online at the Commission's Consumer Complaint Data Center. Actual informal complaints are not typically released in order to protect filers' privacy interests.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

January 19, 2018

The Honorable Ron Wyden
United States Senate
221 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Wyden:

Thank you for your letter involving the Commission's Restoring Internet Freedom proceeding. On May 18, 2017, the Commission adopted the Restoring Internet Freedom Notice of Proposed Rulemaking (NPRM).¹⁷ The NPRM solicited public input and, in response, received over 22 million comments—more than any other rulemaking in the Commission's history. In an *Order* adopted on December 14, the Commission determined that Title I of the Communications Act provided the best legal framework for both protecting Internet freedom and providing strong incentives for investment and innovation in the next-generation networks that could bring digital opportunity to all Americans. The *Order* was released on January 4, 2018.

The Commission grounded its decision to restore the bipartisan consensus on light-touch, Title I Internet regulation on a robust factual record. After conducting a thorough review of that record, the Commission addressed all significant issues that had been raised.

With respect to the 50,000 *informal* complaints you reference from the National Hispanic Media Coalition's FOIA request, we specifically addressed this issue in the *Order*. Notably, the Commission expended substantial resources to supply thousands of documents involving these complaints, and supplied them long before the record closed. Indeed, the record remained open for over three months after the documents were produced pursuant to the FOIA request, which provided ample opportunity for the National Hispanic Media Coalition to submit them into the record. And parties had ample opportunity to meaningfully review them and provide comment during the Commission's *ex parte* period, which ended when the Sunshine Period began—on December 7, 2017.

Because the Commission did not rely on these informal complaints as the basis for its determination, it does not have an obligation to incorporate materials relating to those complaints into the record.¹⁸ Nonetheless, the Commission takes consumer complaints seriously and finds them valuable in informing us about potential violations of the Commission's rules. Since the *Title II Order*'s rules became effective in June 2015, the Consumer and Governmental Affairs

¹⁷ See *Restoring Internet Freedom*, Notice of Proposed Rulemaking, 32 FCC Rcd 4434 (2017) (*Internet Freedom NPRM*).

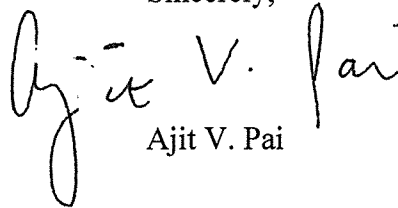
¹⁸ See, e.g., *American Radio Relay League, Inc. v. FCC*, 524 F.3d 227, 237 (D.C. Cir. 2008) (finding "studies upon which an agency relies in promulgating a rule must be made available during the rulemaking in order to afford interested persons meaningful notice and an opportunity for comment"); *Portland Cement Ass'n v. Ruckelshaus*, 486 F.2d 375, 393 (D.C. Cir. 1973) (finding that "[i]t is not consonant with the purpose of a rule-making proceeding to promulgate rules on the basis of inadequate data, or on data that, [to a] critical degree, is known only to the agency").

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I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink that reads "Ajit V. Pai". The signature is written in a cursive style with a large, looped initial "A".

Ajit V. Pai