

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, WC Docket No. 16-106.

I support this decision to stay the broadband data security rules while the Commission and Congress consider an appropriate resolution of the broader Net Neutrality proceeding.

To be clear, I think the law and Commission precedent are quite straightforward: the FCC lacks authority to adopt data security rules for any type of provider. Data security is not mentioned anywhere in the Communications Act, and other statutes and legislative efforts that have addressed the topic do not afford the FCC any role. I consistently objected to the prior Commission's unlawful attempts to freelance in this area long before the *Net Neutrality Order* and *Privacy Order* were adopted. I also pointed out that the Commission's attempts to saddle the communications sector with experimental regulations could conflict with well-established FTC precedents that have served as a predictable road map for businesses and consumers alike.

Finally, I appreciate the opportunity to vote on this order at the Commission level. While I welcome greater participation by the full Commission in general, I think that Commission-level action on significant decisions like this one are particularly helpful to provide a clear and final statement of the agency's position, which promotes transparency and certainty for all interested parties.