

MICHAEL BILIRAKIS, FLORIDA
JOE BARTON, TEXAS
FRED UPTON, MICHIGAN
CLIFF STEARNS, FLORIDA
PAUL E. GILLMOR, OHIO
JAMES C. GREENWOOD, PENNSYLVANIA
CHRISTOPHER COX, CALIFORNIA
NATHAN DEAL, GEORGIA
RICHARD BURR, NORTH CAROLINA
ED WHITFIELD, KENTUCKY
CHARLIE NORWOOD, GEORGIA
BARBARA CUBIN, WYOMING
JOHN SHIMKUS, ILLINOIS
HEATHER WILSON, NEW MEXICO
JOHN B. SHADEGG, ARIZONA
CHARLES W. "CHIP" PICKERING, MISSISSIPPI
VITO FOSSELLA, NEW YORK
ROY BLUNT, MISSOURI
STEVE BUYER, INDIANA
GEORGE RADANOVICH, CALIFORNIA
CHARLES F. BASS, NEW HAMPSHIRE
JOSEPH R. PITTS, PENNSYLVANIA
MARY BONO, CALIFORNIA
GREG WALDEN, OREGON
LEE TERRY, NEBRASKA
ERNIE FLETCHER, KENTUCKY
MIKE FERGUSON, NEW JERSEY
MIKE ROGERS, MICHIGAN
DARRELL E. ISSA, CALIFORNIA
C.L. "BUTCH" OTTER, IDAHO

ONE HUNDRED EIGHTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

W.J. "BILLY" TAUZIN, LOUISIANA,
CHAIRMAN

March 21, 2003

JOHN D. DINGELL, MICHIGAN
HENRY A. WAXMAN, CALIFORNIA
EDWARD J. MARKEY, MASSACHUSETTS
RALPH M. HALL, TEXAS
RICK BOUCHER, VIRGINIA
EDOLPHUS TOWNS, NEW YORK
FRANK PALLONE, JR., NEW JERSEY
SHERROD BROWN, OHIO
BART GORDON, TENNESSEE
PETER DFUTSCH, FLORIDA
BOBBY L. RUSH, ILLINOIS
ANNA G. ESHOO, CALIFORNIA
BART STUPAK, MICHIGAN
ELIOT L. ENGEL, NEW YORK
ALBERT R. WYNN, MARYLAND
GENE GREEN, TEXAS
KAREN MCCARTHY, MISSOURI
TED STRICKLAND, OHIO
DIANA DFGETTE, COLORADO
LOIS CAPP, CALIFORNIA
MICHAEL F. DOYLE, PENNSYLVANIA
CHRISTOPHER JOHN, LOUISIANA
TOM ALLEN, MAINE
JIM DAVIS, FLORIDA
JAN SCHAKOWSKY, ILLINOIS
HILDA L. SOLIS, CALIFORNIA

DAVID V. MARVENTANO, STAFF DIRECTOR

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Dear Chairman Powell:

Thank you for responding to the post-hearing questions submitted by Members of the Subcommittee on Telecommunications and the Internet in conjunction with the Subcommittee's February 26th hearing. We appreciate the cooperation and promptness exhibited by you and your colleagues.

However, some of the answers raise further questions, particularly since it appears that several Commissioners (even those in the majority) disagree about the details of the Triennial Review decision. This, coupled with the fact that some of your colleagues have acknowledged that they did not know the full details upon which they cast their votes, deeply concerns us.

As such, we still are unable to adequately ascertain what each Commissioner's understanding was, or is, with respect to the details of the Triennial Review decision. Accordingly, we seek additional information from the Federal Communications Commission regarding the records (as defined in the attachment to this letter) that served as the basis for deciding the outcome of this proceeding.

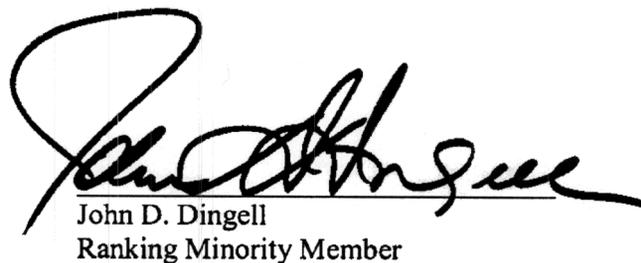
Pursuant to Rules X and XI of the U.S. House of Representatives, please provide the following records detailed below on or before Wednesday, March 26, 2003:

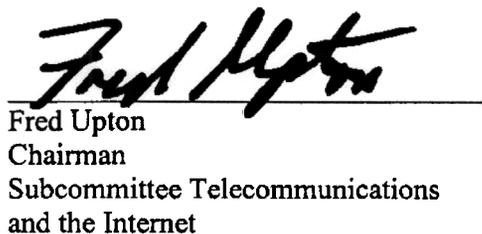
- 1 Records relating to the FCC's Triennial Review that have not been publicly disclosed and that served as the basis for voting on one or more parts of the Triennial Review.

Thank you for your prompt attention to this request. If you have any questions, please contact Howard Waltzman, Majority Counsel at (202) 225-2927 or Gregg Rothschild, Minority Counsel at (202) 226-3400.

Sincerely,


W.L. "Billy" Tauzin
Chairman


John D. Dingell
Ranking Minority Member


Fred Upton
Chairman
Subcommittee Telecommunications
and the Internet

Attachment

cc: Commissioner Kathleen Abernathy
Commissioner Michael Copps
Commissioner Kevin Martin
Commissioner Jonathan Adelstein

ATTACHMENT

The term "records" is to be construed in the broadest sense and shall mean any written documents, correspondence, or memoranda, however produced or reproduced, whether printed or recorded electronically or magnetically or stored in any type of data bank, circulated between or amongst Commissioners prior to the vote, which describe or reflect the details of Triennial Review decision upon which Commissioners cast their votes.

2. The terms "relating," "relate," or "regarding" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.