

Congress of the United States
Washington, DC 20515

April 7, 2017

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

Dear Chairman Pai:

We write to ensure that the Federal Communications Commission (FCC) stands ready to protect consumer privacy. Protecting consumer privacy while allowing for innovation has been critical to American innovation. Maintaining an environment that permits innovation without sacrificing consumer privacy is critical to our nation's future prosperity and the creation of new consumer services.

The Federal Trade Commission (FTC) has long been the standard-bearer for striking the right balance of consumer protection within a pro-innovative construct that encourages consumer choice, opportunities and new jobs. The FTC's mission is to protect consumers from unfair competition and unfair or deceptive acts or practices in commerce. This consumer-focused mission has a decades-long history of protecting consumers and ensuring companies live up to their privacy promises including over 500 privacy and data security enforcement cases to protect consumers.


In 2015, when the FCC reclassified broadband under Title II of the Communications Act, it created the current privacy concerns. Prior to that reclassification, Americans' online privacy was protected by the FTC. In reclassifying broadband, the FCC created a blind spot where the FTC's common carrier exception left ISPs without a privacy regulator. The FTC's time-tested approach to privacy has protected Americans' since the dawn of the Internet. An FCC approach that mirrors the FTC will continue to protect consumers in this tumultuous time.

Until such time as the FCC rectifies the Title II reclassification that inappropriately removed ISPs from the FTC's jurisdiction, we urge the FCC to continue to hold ISPs to their privacy promises. The authority vested to the FCC under Sections 201 and 202 of the Communications Act of 1934 charge the FCC with protecting consumers against unjust and unreasonable practices. We believe this language provides the necessary authority to protect consumers in a similar manner to how the FTC protects consumers under its authority to prevent unfair and deceptive acts and practices.


We hope that you will move quickly to ensure that all entities under your jurisdiction are aware of where privacy fits into the FCC's priorities and how it plans to protect consumer privacy.

Should you have any questions about the contents of this letter, please contact Giulia Giannangeli at (202) 225-2927.

Sincerely,



Greg Walden
Chairman
Committee on Energy and Commerce



Marsha Blackburn
Chairman
Subcommittee on Communications
and Technology



Robert E. Latta
Chairman
Subcommittee on Digital Commerce
and Consumer Protection



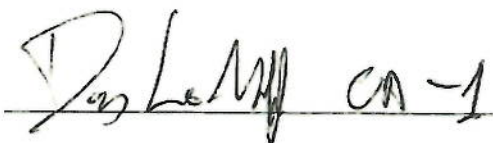
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OH-7



TX-11



CA-1



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VA-01



TN-01



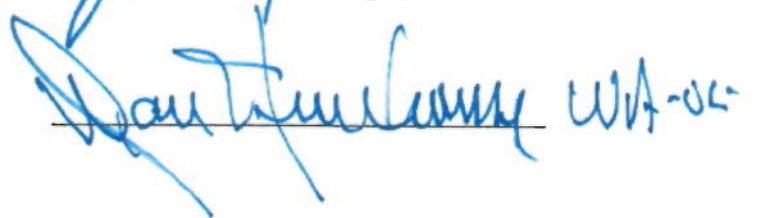
WV-01



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cc: The Honorable Frank Pallone, Jr., Ranking Member
Committee on Energy and Commerce

The Honorable Michael F. Doyle, Ranking Member
Subcommittee on Communications and Technology

The Honorable Janice D. Schakowsky, Ranking Member
Subcommittee on Digital Commerce and Consumer Protection