

United States Senate

WASHINGTON, DC 20510

October 13, 2009

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20515

Dear Chairman Genachowski:

Congratulations on chairing the Federal Communications Commission at a critical time in our nation's history. We appreciate your willingness to serve and hope to have an open dialogue with you during your time in office.

Despite the economic hardships currently facing many industries, broadband continues to grow. Internet service providers continue to heavily invest private capital in research and improved broadband service. Private sector investment in broadband, which exceeds annual federal investment in transportation infrastructure, is directly responsible for creating millions of jobs. When the government picks winners and losers in the marketplace, the incentive to invest disappears.

We fear that the proposals you announced during your September 21, 2009 speech will be counterproductive and risk harming the great advancements in broadband speed and deployment that we have witnessed in recent years and will limit the freedom of the Internet.

It appears that your decision to create new Commission rules is outcome-driven. Your promulgating network neutrality rules seems to emanate from a fear that there may be some problems related to openness in "the future." Of the only two Internet-related disputes to date cited in your speech, one occurred five years ago. Our view is that it is harmful for the Commission to impose industry-wide rules based upon speculation about what may occur in the future.

You recognize that significant progress with respect to broadband deployment has been made "thanks to substantial investment and technological ingenuity." Broadband service providers have invested billions of dollars in building and upgrading their networks to better serve their customers. However, burdensome regulations will have a chilling effect on further private sector investment, at a time when the U.S. economy can least afford such an impact.

It is because of significant competition among broadband service providers that consumers have more choices and are enjoying the best online experience that has ever been available. As you said, "new mobile and satellite broadband networks are getting faster every day, and extraordinary devices like smartphones and wireless data cards are making it easier to stay connected while on the go." Mobile networks are getting faster, making such networks even stronger competitors to wireline networks. Market-based solutions and competition is working.

Such a major policy shift should be contemplated only with all of the FCC Commissioners involved. To do it with just one party reduces the confidence the public and the Congress has in the proposal.

Sincerely,

Sam Bismback

Chuck Grassley

D. Vitter

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Mil. Johnson

Paul Cook

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Jim Clark

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John Cornyn

Tom Coburn

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Cc: Commissioner Michael J. Copps
Commissioner Mignon Clyburn
Commissioner Robert M. McDowell
Commissioner Meredith Attwell Baker