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Congress of the United States
House of Representatives
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July 28, 2010

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The Honorable Julius Genachowski
Chairman
U.S. Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Genachowski:

Thank you for your response to my letter of May 27, 2010, in which I posed several questions related to the Federal Communications Commission's ("Commission") announcement of a new approach to classifying broadband Internet access services. I appreciate and share your dedication to protecting consumers and making certain the Internet remains open in accordance with principles of network neutrality.

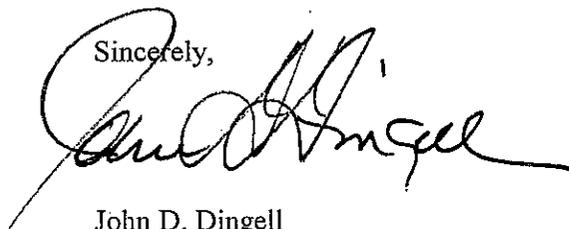
Unfortunately, the paucity of substantive responses to my aforementioned questions in your recent letter has served only to substantiate my fear that the Commission's proposed path with respect to the regulation of broadband is based on unsound reasoning and an incomplete record, and thus fraught with legal risk. Similarly, I worry that hurried action by the Commission to complete a rulemaking or issue a declaratory ruling concerning the classification of broadband Internet access services in the absence of a clear statutory mandate from the Congress will result in poor policy and protracted litigation, which itself will confound the Congress's and the Commission's efforts to encourage further investment in broadband infrastructure, create new jobs, and stimulate broadband adoption at the same time as we seek to implement network neutrality rules.

With this in mind, I reiterate my suggestion that the Commission abandon the classification effort it has set in motion and instead seek the authority it requires by asking the Congress to enact a statute that clearly delegates such authority. In this way, the Congress and Commission may ensure the establishment of a steadfast legal foundation for an open Internet.

Thank you for your attention to my concerns. Should you have any questions about this matter, please feel free to contact me directly or have a member of your staff contact Andrew Woelfling in my office at 202-225-4071.

With every good wish,

Sincerely,



John D. Dingell
Member of Congress

cc: The Honorable Henry A. Waxman, Chairman
Committee on Energy and Commerce

The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable Rick Boucher, Chairman
Committee on Energy and Commerce
Subcommittee on Communications, Technology, and the Internet

The Honorable Cliff Stearns, Ranking Member
Committee on Energy and Commerce
Subcommittee on Communications, Technology, and the Internet

The Honorable Michael Copps, Commissioner
U.S. Federal Communications Commission

The Honorable Robert McDowell, Commissioner
U.S. Federal Communications Commission

The Honorable Mignon Clyburn, Commissioner
U.S. Federal Communications Commission

The Honorable Meredith Atwell Baker, Commissioner
U.S. Federal Communications Commission