

Congress of the United States

Washington, DC 20510

August 31, 2018

The Honorable Ajit V. Pai
Chairman
455 12th Street, Southwest
Washington, DC, 20544

Dear Chairman Pai,

We write with great concern regarding Verizon's throttling of first responders' communications as they embarked on the dangerous job of containing the massive Mendocino Complex Fire and protecting both life and property. While Verizon announced that it would no longer impose data speed restrictions on first responders fighting the fire, this episode raises a number of questions about how the Federal Communications Commission (FCC) plans to address these critical threats to public safety.

Last year, the FCC voted to abdicate its role protecting the free and open internet and broadband users' rights by repealing the 2015 Open Internet Order and abandoning the sound legal framework of Title II for broadband. The FCC has incorrectly suggested that the Federal Trade Commission (FTC) could sufficiently fill this void. We strongly disagree with that assertion. We believe broadband providers, such as Verizon, will increasingly engage in more troubling practices like the throttling our brave first responders experienced as they worked to protect the public. The FCC continues to maintain a Public Safety and Homeland Security Bureau, which has unique expertise in public safety and a duty to ensure our communications systems, including wireless service, do not let us down when we need them most, whether during a forest fire, hurricane, or any other type of natural or human caused disaster. We write to inquire about any and all steps the FCC is taking to investigate this episode and ensure that what happened during the Mendocino Complex Fire never happens again.

Our letter does not contravene the FTC's responsibility to investigate whether Verizon's actions constitute an 'unfair or deceptive practice.' We believe that both agencies must use all of the tools available under their respective jurisdictions to investigate this public safety matter. To do nothing is unacceptable.

Please respond to this letter in writing by September 21, 2018. Thank you for your attention to this important matter.

Sincerely,

 

Edward J. Markey
United States Senator

Anna G. Eshoo
Member of Congress