

United States Senate

September 25, 2023

The Honorable Jessica Rosenworcel
Chairwoman
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Dear Chairwoman Rosenworcel:

We write regarding the Federal Communication Commission's (FCC's) rightful authority over broadband internet access. Now that the FCC has a full slate of commissioners, we urge you to expeditiously reclassify broadband as a telecommunications service under Title II of the Communications Act. Doing so will enable you to effectively protect consumers from harmful practices online, promote affordable access to the internet, enhance public safety, increase marketplace competition, and take other important steps to benefit our nation's digital future.

The COVID-19 pandemic has left no doubt that, now more than ever, broadband is essential. Over the past three years, Americans have come to rely on the internet for everything from education and healthcare to commerce and connection to loved ones. Three-fourths of Americans say that internet access is as important as water or electricity,¹ and broadband usage during the pandemic grew at the highest rate of increase in nearly a decade.² With the passage of the bipartisan *Infrastructure Investment and Jobs Act*, Congress made historic investments to ensure every American can access what has become the country's primary communications network. By passing that historic law, we recognized the necessity of affordable, reliable, high-quality broadband internet connections. Now, the FCC's regulatory classifications should reflect what Americans and Congress know to be true: broadband internet access service is an indispensable part of American life.

Despite the essential nature of broadband, the previous Administration's FCC voted to repeal net neutrality protections, and with it threw out most of the Commission's ability to enforce the consumer protection, competition, public safety, and universal service principles at the heart of the Communications Act. Net neutrality is a set of guidelines necessary to keep the internet open to all and free of discriminatory practices by providers. It forbids Internet Service Providers (ISPs) from blocking or slowing down customers' access to sites or apps; charging websites to reach users at quicker speeds; and instituting other unjust, unreasonable, and discriminatory practices. Net neutrality creates an internet ecosystem that is free and open to all, and it benefits

¹ Press Release, Consumer Reports, *Broadband in the U.S.: Consumer Reports' New Survey Reveals Challenges for Consumers* (Aug. 3, 2021), <https://www.consumerreports.org/media-room/press-releases/2021/08/broadband-in-the-us-consumer-reports-new-survey-reveals-challenges-for-consumers/>.

² Sara Fischer and Margaret Harding McGill, *Broadband Usage Will Keep Growing Post-Pandemic*, Axios (May 4, 2021), <https://www.axios.com/broadband-usage-post-pandemic-increase-32d0858b-9f54-4065-aa9b-b1716dcf6c2f.html>.

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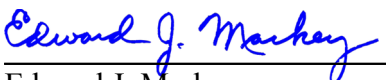
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consumers, small businesses and rural residents alike. Critically, repeated court rulings have made clear that reclassifying broadband as a telecommunications service is the only way the FCC can use its legal authority to reinstate net neutrality, which will protect online expression, catalyze competition, and increase innovation.

Reinstating the Commission's rightful Title II authority over broadband will also benefit the public in areas beyond net neutrality. Since the previous Administration erroneously classified broadband as an information service, we have heard from constituents, companies, and entrepreneurs about the need for the FCC to reassert its authority so it can prevent broadband providers from engaging in practices that harm online users as well as potential new entrants into the broadband marketplace. Only with Title II classification can the FCC prohibit unreasonable and unjust practices of broadband providers, effectively protect network resiliency and national security, ensure service quality, expand internet access, and combat anti-competitive practices. The FCC is the agency with expertise in broadband policy, and reclassifying broadband as a Title II service is a requisite step in the FCC's efforts to serve the American people and conduct proper oversight of broadband internet.

You have unequivocally condemned the FCC's past actions to roll back net neutrality policies and relinquish FCC authority over broadband. Now that the FCC has a full complement of commissioners, we urge you to act to protect the free and open internet for all Americans. We commend you for your leadership and appreciate your attention to this important topic.

Sincerely,



Edward J. Markey
United States Senator



Ron Wyden
United States Senator



Tammy Baldwin
United States Senator



Sheldon Whitehouse
United States Senator



Amy Klobuchar
United States Senator



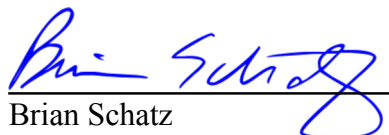
Mazie K. Hirono
United States Senator



Tim Kaine
United States Senator



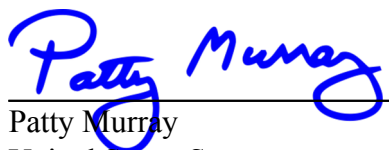
Richard J. Durbin
United States Senator



Brian Schatz
United States Senator



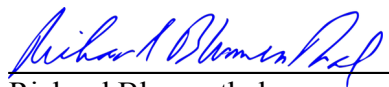
Jeanne Shaheen
United States Senator



Patty Murray
United States Senator



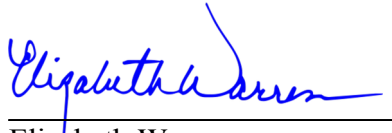
Peter Welch
United States Senator



Richard Blumenthal
United States Senator



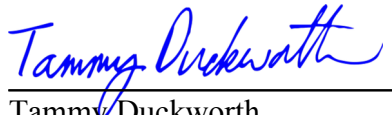
Margaret Wood Hassan
United States Senator



Elizabeth Warren
United States Senator



Jeffrey A. Merkley
United States Senator



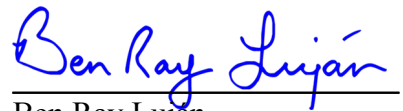
Tammy Duckworth
United States Senator



Bernard Sanders
United States Senator



Martin Heinrich
United States Senator



Ben Ray Lujan
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Cory A. Booker
United States Senator



Jack Reed
United States Senator



Michael F. Bennet
United States Senator



Dianne Feinstein
United States Senator

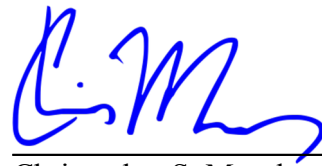
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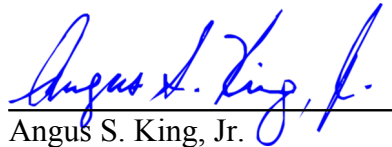
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Tina Smith
United States Senator



Christopher S. Murphy
United States Senator



Angus S. King, Jr.
United States Senator