



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

August 27, 2014

The Honorable Anna G. Eshoo
Ranking Member
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
241 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for sharing the preliminary findings of the Government Accountability Office (GAO) study on usage-based broadband pricing, sometimes referred to as “data caps.” In your letter, you expressed concerns about the throttling or slowing down of data speeds, overage fees, and the exemption of some online services or application services from data caps. Your letter and the GAO study will be submitted for the record in the Open Internet proceeding.

I am pleased that GAO is undertaking a thorough review of usage-based pricing, and I look forward to reviewing the final report. Like you, I am concerned about usage-based practices that affect the speeds and service that customers receive. I am deeply troubled when I hear reports of providers slowing down speeds for selected customers under the guise of network management. For example, I am concerned about wireless providers’ practices that apparently slow the speeds available to customers based at least in part on the data plan to which the consumer subscribes. I have written letters to the major wireless carriers to get more information about these practices so that we can more closely examine whether these practices are consistent with the principles of an open Internet and the virtuous cycle of innovation that is at the heart of what makes an open Internet so critical to our country’s success in the 21st century.

In addition, the *Notice of Proposed Rulemaking* in the Open Internet proceeding seeks comment on a number of issues surrounding data caps. For instance, the *Notice* requests information on how broadband providers use data caps to manage traffic, and whether they can be used to exploit market power or reduce competition. The *Notice* also asks whether the Commission should require the disclosures of specific broadband provider network practices. The goal of these questions is to build a solid record as to the effectiveness of transparency rules that put providers on record about the effect their practices have on consumers.

Thank you again for contacting me and I appreciate your interest in this matter. I look forward to working with you and your colleagues as we move forward with steps to protect and promote the open Internet. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler". The signature is fluid and cursive, with the first name "Tom" being more prominent.

Tom Wheeler