



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

May 26, 2016

The Honorable Jeff Flake
United States Senate
413 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Flake:

Thank you for your letter requesting that the Commission extend the comment period in the Broadband Privacy proceeding. I appreciate you reaching out to me with your concerns.

One very important factor in this matter is that the Commission's record does not close when the comment deadlines hit. The filing deadline is not a "speak now or forever after hold your peace" deadline, but rather a scheduling mechanism to allow interested parties to know how to focus their efforts.

As you know, the Commission released the *Broadband Privacy Notice of Proposed Rulemaking (NPRM)* proposing and seeking comment on a framework for applying the privacy requirements of the Communications Act to broadband Internet access services (BIAS) on April 1, 2016. The *Broadband Privacy NPRM* provided stakeholders eight weeks to file initial comments and another 30 days to file reply comments. To date, over 50,000 comments have been filed in the docket.

The *Broadband Privacy NPRM* sets forth a path forward towards final rules that will provide clear guidance to ISPs and their customers about how the privacy requirements of Section 222 apply to BIAS providers. The NPRM was not an unexpected action by the Commission as the Commission put interested parties on notice more than a year ago that it would address broadband privacy issues through a rulemaking proceeding. Since then there has been a great deal of public discussion about how the Commission should approach a broadband privacy rulemaking. That public discussion will continue over the months to come, as interested parties file comments, reply comments and other written submissions. So while I appreciate your concerns, I do not believe a comment extension deadline is warranted at this time.

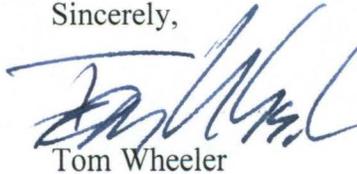
The Commission received several requests to extend the comment filing deadlines for the *Broadband Privacy NPRM* and we considered these requests seriously. The Wireline Competition Bureau (Bureau) explained in its Order denying various of those requests that it is the policy of the Commission that extensions of time shall not be routinely granted.¹ Commission proceedings often involve novel and important issues, yet granting an extension is

¹ http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0429/DA-16-473A1.pdf

not favored, in order to keep timely resolutions of proceedings. Moreover, the Commission has set similar comment deadlines in comparable proceedings, including, for example, its E-Rate, Inmate Calling, and Consumer Video Navigation Choices proceedings. A timely resolution of this proceeding will be beneficial for consumers and industry alike, providing clarity and certainty going forward, and as such, an extension of the comment deadline is not in the public interest. As the Commission evaluates the record after the close of the comment period, we will, of course, continue to monitor developments, and will ensure that stakeholders have a fulsome opportunity to weigh in.

Thank you again for your input on this important matter. I have asked my staff to place your letter in the record of this proceeding.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", is written over a faint, circular embossed seal. The signature is fluid and cursive, with a prominent horizontal stroke at the top.

Tom Wheeler



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THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 26, 2016

The Honorable John Boozman
Chairman
Subcommittee on Financial Services and General Government
Committee on Appropriations
United States Senate
184 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Boozman:

Thank you for your letter requesting that the Commission extend the comment period in the Broadband Privacy proceeding. I appreciate you reaching out to me with your concerns.

One very important factor in this matter is that the Commission's record does not close when the comment deadlines hit. The filing deadline is not a "speak now or forever after hold your peace" deadline, but rather a scheduling mechanism to allow interested parties to know how to focus their efforts.

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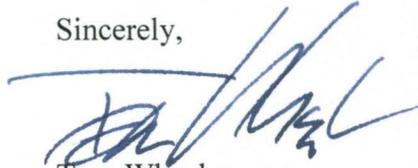
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Tom Wheeler

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