

May 19, 2016

Chairman Tom Wheeler
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

We write to request that you extend the comment period for the FCC's proposed privacy rules.

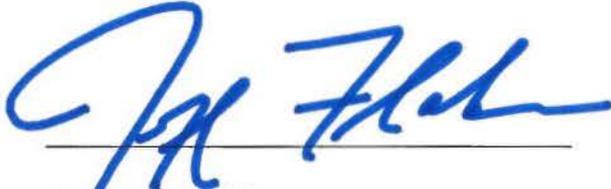
This issue came up during a May 11th hearing of the Senate Judiciary Committee's Subcommittee on Privacy, Technology and the Law. At the hearing, you were asked about the requests the FCC has received from various stakeholders to extend the comment period for the proposed privacy rule, which was ultimately denied on April 29th. In the denial, the Chief of the FCC's Wireline Bureau explained that "an extension was not warranted in this instance" in large part because it is "not the norm" to grant extensions at the FCC. Asked about the fairness of this position at the May 11th hearing, you responded "we've been discussing this for half a dozen years." Commissioner Pai testified otherwise, arguing, "I don't think it's too much to ask for a couple extra weeks to allow the numerous stakeholders, some of which are trade associations with hundreds of members who need to be canvassed, to weigh in on these many many questions."

Since then, two other FCC Commissioners have expressed the need for extending the comment period. On May 17th, at the National Cable & Telecommunications Association's annual "intx" event in Boston, Commissioner Rosenworcel said "this is the kind of subject that is complicated and would benefit from a longer rulemaking." Commissioner O'Reilly responded by asking "so then why is the Chairman saying absolutely not, we won't have any more time? Why won't he listen to three of us that agree that we should have more time on such a complicated subject matter?"

A bipartisan majority of the FCC has now publicly supported extending the comment period for the privacy rule. We agree. Given that it took the FCC over a year to notice the proposed rule, the total Notice of Proposed Rulemaking is nearly 150 pages long, and it asks more than 500 questions, extending the notice and comment period is reasonable. Therefore, we ask that you extend the comment period for this rulemaking by a reasonable period of time, but not less than

45 days, or provide us with an explanation why not before May 27th, the day the comment period ends.

Sincerely,

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Senator Jeff Flake
Chairman
Judiciary Committee
Subcommittee on Privacy, Technology
and the Law

A handwritten signature in blue ink, appearing to read "John Boozman", written over a horizontal line.

Senator John Boozman
Chairman
Appropriations Committee
Subcommittee on Financial Services
and General Government