

May 25, 2016

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554-0004

The Honorable Jessica Rosenworcel
Commissioner
Federal Communications Commission
445 12th Street SW
Washington, DC 20554-0004

The Honorable Michael O'Rielly
Commissioner
Federal Communications Commission
445 12th Street SW
Washington, DC 20554-0004

The Honorable Mignon Clyburn
Commissioner
Federal Communications Commission
445 12th Street SW
Washington, DC 20554-0004

The Honorable Ajit Pai
Commissioner
Federal Communications Commission
445 12th Street SW
Washington, DC 20554-0004

Dear Chairman Wheeler and Commissioners Clyburn, Rosenworcel, Pai, and O'Rielly:

The Internet is revolutionizing the way consumers communicate, shop, learn, and entertain themselves. It is changing how they control their homes, their cars, and many parts of their lives. Consumers derive substantial benefits from using and relying on these connected products and services, which are powered and enabled by data. With these uses, consumers have certain Internet-related privacy and security expectations. Consumers rightly expect all companies that collect and use their data to be transparent about their practices and to provide them with appropriate choices with respect to how their information is used and shared.

Until last year, the Federal Trade Commission (FTC) provided a robust consistent privacy framework for all companies in the Internet services market. That holistic and consistent approach struck the right balance: consumers' use of Internet services and applications has continued to increase and consumers' privacy has been protected.

As you are aware, a consequence of the FCC's reclassification of broadband services has been to upset this consistent treatment giving rise to the rulemaking now under consideration aimed at Internet Service Providers (ISPs), which comprise only a portion of the Internet services market.

We had hoped that the FCC would focus on those protections that have traditionally guarded consumers from unfair or deceptive data practices by ISPs and the other companies in the Internet services market. But, based on the Commission's Notice of Proposed Rulemaking, we remain increasingly concerned that the Commission intends to go well beyond such a framework and ill-serve consumers who seek and expect consistency in how their personal data is protected.

If different rules apply to the online practices of only selected entities, consumers may wrongly assume that the new rules apply to all of their activities on the Internet. But when they discover otherwise, the inconsistent treatment of consumer data could actually undermine consumers' confidence in their use of the Internet due to uncertainty regarding the protections that apply to their online activities.

With the above considerations in mind, we strongly urge the FCC to consider a consistent FTC-type approach to protect consumer privacy that balances consumers' privacy expectations and avoids negative impacts on consumers.

Sincerely,



Bobby L. Rush
Member of Congress



Pete Olson
Member of Congress



Gene Green
Member of Congress



Gus M. Bilirakis
Member of Congress



Leonard Lance
Member of Congress



Kurt Schrader
Member of Congress



Renee L. Ellmers
Member of Congress