

The Honorable Paul Ryan
Speaker
U.S. House of Representatives

The Honorable Nancy Pelosi
Democratic Leader
U.S. House of Representatives

April 13, 2016

Dear Speaker Ryan and Leader Pelosi:

The undersigned organizations strongly urge you to oppose H.R. 2666, the “No Rate Regulation of Broadband Internet Access Act.” A broad coalition of companies, consumer advocates, and public interest groups wrote to you this week detailing the many ways this legislation would undermine the public interest and the Open Internet; we are particularly concerned about the bill’s impact on consumer privacy.¹

H.R. 2666 would undermine the Federal Communications Commission’s ability to protect consumers from an emerging online “privacy divide” that leaves low-income Americans with fewer privacy options than are available to the wealthy. Indeed, the FCC is currently seeking comments on proposed rules governing the privacy obligations of broadband providers. As part of that proposal, the FCC has asked the American public to weigh in on business practices that offer some broadband subscribers financial inducements for consent to use and share their personal information.² A number of prominent civil rights and other public interest organizations have urged the FCC to carefully examine this issue so that privacy does not become a luxury available only to those who can afford it.³

There is a difference between ensuring that consumers’ right to control their personal information is not contingent on income level, and rate regulation – setting the prices

¹ “Rate regulation” is when an agency sets a specific price. See *Fed. Energy Reg. Comm’n v. Elec. Power Supply Assoc.*, 577 U.S. ____ (2016). But this bill includes an overbroad definition of “rate regulation” that would extend to the FCC’s ability to review the *reasonableness* of rates set by broadband providers. As a result, this bill would leave the FCC powerless to protect consumers even against clear price gouging. See Harold Feld, *The One Line Difference Between Broadband Rate Setting and Price Gouging*, Medium (Apr. 8, 2016), <https://bit.ly/1SMGW0t>.

² Protecting the Privacy of Customers of Broadband and Other Telecommunications Services, Notice of Proposed Rulemaking, ¶ 259 (Apr. 1, 2016).

³ Letter from Public Interest Organizations to Chairman Wheeler (Mar. 16, 2016), <https://bit.ly/1SMGPBV>.

broadband providers may charge for service. The overbroad language in H.R. 2666 fails to recognize that difference, putting consumer privacy at risk.

We strongly urge you to stand up for consumers and to preserve the FCC's ability to protect them against privacy violations and other unreasonable practices by voting against H.R. 2666.

Sincerely,

Access Humboldt	Institute for Local Self-Reliance
Access Sonoma Broadband	Maryland Consumer Rights Coalition
Akaku Maui Community Media	National Consumer Law Center, on
ASC3	behalf of its low-income clients
Broadband Alliance of Mendocino County	National Consumers League
California Center for Rural Policy	National Digital Inclusion Alliance
Campaign for a Commercial-Free	New America's Open Technology
Childhood	Institute
Center for Democracy & Technology	Online Trust Alliance
Center for Digital Democracy	Oregon Consumer League
Center for Rural Strategies	Privacy Rights Clearinghouse
Chicago Consumer Coalition	Public Health Advocacy Institute
Consumer Action	Public Knowledge
Consumer Federation of America	Tribal Digital Village Network
Consumer Federation of California	U.S. PIRG
Consumer Watchdog	X-Lab
Electronic Frontier Foundation	