Congress of the United States
Washington, DC 20515

February 3, 2015

The Honorable Thomas Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Wheeler:

We write to urge the Federal Communications Commission (FCC) to guarantee Net Neutrality by reclassifying broadband under Title II of the Communications Act. Reclassification would provide the Commission with unequivocal legal authority to promulgate Open Internet rules for both mobile and wireline, while allowing exceptions for reasonable network management.[i] This parity will best protect communities of color who disproportionately rely on mobile broadband. As the D.C. Circuit Court ruled in *Verizon v. FCC*, relying on Section 706 of the Telecommunications Act is not sufficient to protect an Open Internet. The only means of guaranteeing Net Neutrality is to reclassify ISPs as common carriers.

While the Internet has spurred small business growth, enriched our children's education, and helped communities to organize, a digital divide persists. Only 64 percent of African American households have adopted broadband services at home. Adoption is even lower in Hispanic households where only slightly more than half (53 percent) have broadband. In contrast, the national average is 70 percent, with broadband in 74 percent of White households.[ii] Lack of access to the Internet prevents Americans from finding job opportunities, gaining relevant skills, and signing up for health care coverage.

Wireless broadband access via mobile devices has been essential to narrowing this divide. Despite the low adoption rates of broadband at home, 56 percent of African Americans report owning smartphones.[iii] The need to protect mobile Internet access is underscored by the 43 percent of African Americans, and 60 percent of Latinos who rely on mobile phones as their primary means of access to the Internet.[iv]

As mobile devices become a growing gateway to the Internet, we urge the Commission to adopt a common regulatory framework that applies strong network neutrality protections to users of both wireless and wireline networks. Public libraries, where many rely on the use of Internet to do homework, search for jobs, or file taxes, now lend out mobile hotspots to patrons who do

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not have broadband services at home. Various municipalities and community institutions have utilized mobile hotspots or devices to improve access in their cities. The FCC should preserve access to the entire Internet for all Americans, taking special care to protect the mobile broadband experience, which will preserve an essential opportunity for those who are already underserved. Parity between mobile and wireline broadband will ensure that current and future initiatives to bridge the digital divide will not be undermined or discouraged.

Further, strong rules that guarantee an Open Internet are important to minority-owned businesses. An Open Internet lowers barriers to entry and allows businesses of all sizes to compete on a global scale. Major mobile broadband providers have already blocked or hindered popular business tools such as mobile payments, Voice over Internet Protocol (VoIP) services, and streaming video. ISP providers set up tolls and slower lanes. These practices will continue and worsen without decisive action by the Commission. The FCC should adopt strong Open Internet rules to support businesses and foster fair competition regardless of firm size.

As the FCC considers the nearly 4 million comments that were submitted regarding Net Neutrality, we urge you to reclassify broadband services under Title II. The Commission has already acknowledged that people in underserved communities are less likely to have access to broadband at home. While mobile is not yet an effective substitute to home broadband access, communities of color have grown increasingly dependent on wireless service and mobile devices to close the digital divide. The FCC should promulgate rules that will ensure equal access for all Americans, regardless of whether they access the Internet in their homes or through mobile devices.

Sincerely,

Keith Ellison
Member of Congress

Maxine Waters
Member of Congress

Donald S. Beyer, Jr.
Member of Congress

Earl Blumenauer
Member of Congress

André Carson
Member of Congress

John Conyers, Jr.
Member of Congress

Sam Farr
Member of Congress

Raúl M. Grijalva
Member of Congress

Janice Hahn
Member of Congress

Michael M. Honda
Member of Congress

Marcy Kaptur
Member of Congress

Barbara Lee
Member of Congress

Sheila Jackson Lee
Member of Congress

John Lewis
Member of Congress

Zoe Lofgren
Member of Congress

Betty McCollum
Member of Congress

Jim McDermott
Member of Congress

Jerrold Nadler
Member of Congress

Richard Nolan
Member of Congress

Eleanor Holmes Norton
Member of Congress

Beto O'Rourke
Member of Congress

Charles B. Rangel
Member of Congress

Tim Ryan
Member of Congress

Jan Schakowsky
Member of Congress

Robert C. Scott
Member of Congress

José E. Serrano
Member of Congress

Louise M. Slaughter
Member of Congress

Niki Tsongas
Member of Congress

Pete Visclosky
Member of Congress

Donna F. Edwards
Member of Congress

Cc: Ms. Mignon Clyburn, Commissioner, Federal Communications Commission
Ms. Jessica Rosenworcel, Commissioner, Federal Communications Commission
Mr. Ajit Pai, Commissioner, Federal Communications Commission
Mr. Michael O'Reilly, Commissioner, Federal Communications Commission

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[i] Open Internet rules would prohibit blocking, throttling, and paid prioritization to guarantee Net Neutrality.

[ii] Kathryn Zickhur and Aaron Smith, *Home Broadband 2013,* Pew Research Internet Project (Aug 26, 2013) Available: http://www.pewinternet.org/2013/08/26/home-broadband-2013/ (Last accessed Dec 22, 2014)
Pew does not conduct research on Asian American technology use. See: http://www.pewinternet.org/2013/03/29/why-pew-internet-does-not-regularly-report-statistics-for-asian-americans-and-their-technology-use/ (Last accessed Dec 11, 2014)
The National Telecommunications and Information Administration and the Economics and Statistics Administration at the Department of Commerce reported in 2011 that adoption among Asian American households was at 81 percent. Their numbers, slightly lower because of the time lapse, indicate that 55 percent of African American households, 57 percent of Hispanic households, and 72 percent of White households had broadband at home. The full report can be found here:
http://www.ntia.doc.gov/files/ntia/publications/exploring_the_digital_nation_computer_and_internet_use_at_home_11092011.pdf (Last accessed Dec 11, 2014)

[iii] Aaron Smith, *African Americans and Technology Use: Detailed Demographic Tables*, Pew Research Internet Project (January 6, 2014) Available: http://www.pewinternet.org/2014/01/06/detailed-demographic-tables/ (Last accessed January 6, 2015)

[iv] Aaron Smith and Maeve Duggan, *Cell Internet Use 2013* Pew Research Internet Project (September 16, 2013) Available: http://www.pewinternet.org/2013/09/16/main-findings-2/ (last accessed Jan 26, 2015)