

Congress of the United States

Washington, DC 20515

August 24, 2018

The Honorable Joseph J. Simons, Chairman
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Dear Chairman Simons,

We're writing to express our serious concerns regarding a declaration filed by the Santa Clara County Fire Chief with the D.C. Circuit that Verizon throttled the 'unlimited' data plan of the Santa Clara County Fire Department ('County Fire') as it battled the Mendocino Complex Fire, the largest wildfire in the history of California. Throttling directly violates core net neutrality principles. In light of the repeal of net neutrality, we urge you to investigate whether Verizon's practices were 'unfair or deceptive' pursuant to Section 5 of the Federal Trade Commission Act.

According to the Declaration, County Fire contracted with Verizon for an 'unlimited' data plan but experienced heavy throttling when they had reached their 'cap.' These reduced speeds severely undermined department personnel's ability to function in the midst of the largest wildfire in California history. When County Fire contacted Verizon directly about the reduced speeds and asked it to restore speeds to essential transfer speed, County Fire was told it would have to switch to a new data plan at more than twice the cost.

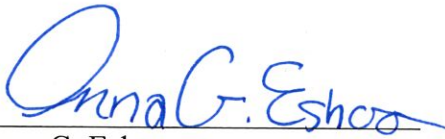
We believe the Federal Communications Commission, as the expert regulatory agency, should be responsible for the oversight of public safety networks and communications networks as a whole. Unfortunately, with its repeal of the 2015 Open Internet Order, the FCC has abdicated its jurisdiction over broadband communications and walked away from protecting consumers, including public safety agencies. We, therefore, call on the FTC to protect consumers from unfair or deceptive acts or practices stemming from this incident.

It is unacceptable for communications providers to deceive their customers. But when the consumer in question is a government entity tasked with fire and emergency services, we can't afford to wait a moment longer. The FTC must investigate whether Verizon and other communications companies are being unfair or deceptive in the services they're offering to public safety entities, and if so, to determine what remedies are appropriate to ensure our first responders have adequate service when lives are on the line.


We urge you to examine whether Verizon's throttling practices were 'unfair or deceptive',

pursuant to Section 5 of the Federal Trade Commission Act. We thank you in advance for your cooperation and look forward to your timely response.

Sincerely,



Anna G. Eshoo
Member of Congress



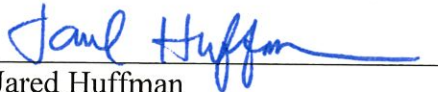
Nancy Pelosi
Democratic Leader



Mike Thompson
Member of Congress



John Garamendi
Member of Congress

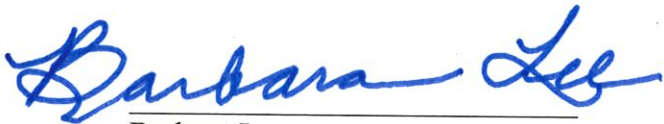


Jared Huffman
Member of Congress

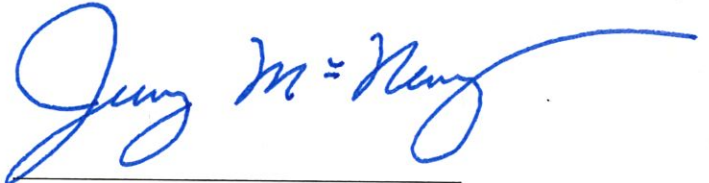


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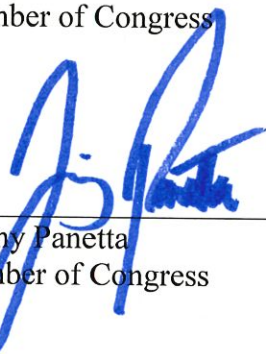
Ro Khanna
Member of Congress



Barbara Lee
Member of Congress



Jerry McNerney
Member of Congress



Jimmy Panetta
Member of Congress



Jackie Speier
Member of Congress



Zoe Lofgren
Member of Congress



Mark DeSaulnier
Member of Congress

Doris Matsui

Doris O. Matsui
Member of Congress

cc: Commissioner Maureen K. Ohlhausen, Federal Trade Commission
Commissioner Noah Joshua Phillips, Federal Trade Commission
Commissioner Rohit Chopra, Federal Trade Commission
Commissioner Rebecca Kelly Slaughter, Federal Trade Commission
Chairman Ajit Pai, Federal Communications Commission