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OPENINTERNETCOALITION.COM

October 3, 2007

The Honorable John D. Dingell, Jr.  
Chairman, House Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Dingell:

For two years, lawyers and lobbyists for the telephone and cable companies have argued before Congress, the Federal Communications Commission, the Federal Trade Commission, the Department of Justice, and the D.C. Circuit of the U.S. Court of Appeals that rules to protect consumers and preserve an open and interconnected Internet are unnecessary or unlawful. Instead, the telephone and cable companies have said that policymakers should trust that they would never use their market power to harm the consumer's use of the Internet, much less to engage in activities as egregious as blocking speech.

Recently, however, several industry members have taken blatantly anti-consumer actions that call into question the industry's commitment to serving the interests of consumers.

Last week, as was widely reported, Verizon blocked text messages from NARAL Pro-Choice America. A Verizon spokesperson indicated that the company also would block text messages promoting a pro-life message. Several weeks earlier, it was widely reported that AT&T censored a live Webcast of a Pearl Jam concert when the lead singer made statements that were critical of the Bush Administration.

This week, it was disclosed that AT&T's user agreement for its Internet access service included a new provision that allows the telecommunications company to censor users, including by terminating users' accounts for activity that "damages the name or reputation of AT&T or its affiliates."

Comcast, the largest cable company, has cut off Internet customers who the company said were using too much capacity. The customers never knew they were subject to a limit and never knew what that limit was before their access was terminated.

The recent patterns of anti-consumer activities demonstrate that the telephone and cable companies should not be trusted to safeguard our basic Internet freedoms. For two years, we have urged Congress to adopt legislation that would preserve an open and interconnected Internet—principles that have enabled the Internet to be the most democratic means of communication ever conceived. Now, more than ever, the open Internet is increasingly threatened by telephone and cable companies who enjoy the public rights of way to provide Internet access to consumers' homes.

It is shocking that at the same time these abuses are occurring, the telephone and cable companies are now lobbying your committees to adopt the Internet Tax Freedom Act, a bill that would prevent governments from taxing their Internet access services.

At a time when Congress is considering bestowing favors for the telecommunications and cable industries, the least these companies should be required to do is act in the public interest, in a non-discriminatory manner that protects all speech, regardless of content. Today's *New York Times* correctly calls on Congress to guarantee freedom of speech in the digital world.

We agree. On behalf of the Open Internet Coalition ([www.openinternetcoalition.com](http://www.openinternetcoalition.com)), I am writing to ask that you conduct hearings to explore the activities of the telephone companies and consider legislation that would protect a fundamental tenet of the Internet, which is to allow citizens to communicate without threat of censorship or other anti-consumer behavior from a handful of gatekeepers.

Sincerely,

Markham C. Erickson  
Executive Director

Attachment

Cc: The Honorable Daniel K. Inouye  
The Honorable Ted Stevens  
The Honorable John Conyers  
The Honorable Lamar Smith  
The Honorable Joe Barton