

United States Senate

WASHINGTON, DC 20510

July 27, 2011

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Mr. Chairman:

As Members of the Senate Commerce, Science and Transportation Committee, we write to follow up on Senator Heller's July 12 letter regarding President Obama's Memorandum for the Heads of Independent Regulatory Agencies (issued on July 11, 2011), and the FCC's Internet network regulatory regime, also known as "net neutrality." To date, Senator Heller has not received a response from you.

As you know, on July 11, President Obama issued an Executive Order formally asking independent agencies to join executive agencies in reducing regulations that place unnecessary burdens on American businesses and the American people. We applaud the President's decision to ask independent agencies such as the FCC to join in this effort.

Specifically, we concur that each executive and independent agency should propose or adopt a regulation only upon a reasoned determination that its benefits justify the costs. Furthermore, we believe that had these Executive Orders been implemented before net neutrality rules were approved by a vote of 3-2 by the FCC on December 21, 2010, the Commission would have made a more informed decision.

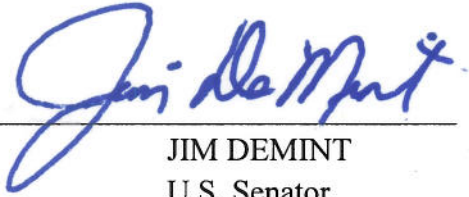
Therefore, we respectfully request that before net neutrality rules go into effect, you honor the intent of the President's Executive Order by applying a retrospective review towards the net neutrality order and pursuing a cost benefit analysis. If not, please provide us with a detailed explanation.

We, the undersigned, request your response to these questions in writing within two weeks of the date of this letter.

Sincerely,


DEAN HELLER
U.S. Senator


KAY BAILEY HUTCHINSON
U.S. Senator



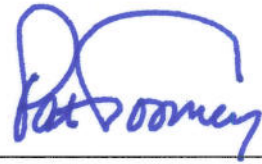
JIM DEMINT
U.S. Senator



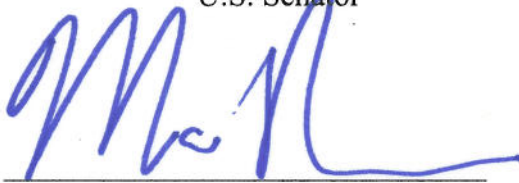
KELLY AYOTTE
U.S. Senator



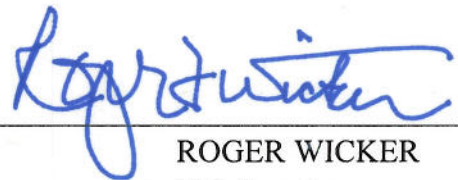
ROY BLUNT
U.S. Senator



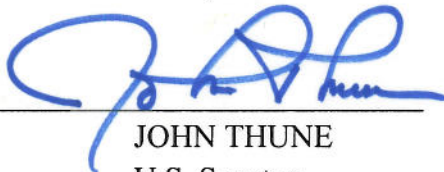
PATRICK TOOMEY
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ROGER WICKER
U.S. Senator



JOHN THUNE
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JOHN BOOZMAN
U.S. Senator