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United States Senate

WASHINGTON, DC 20510-3405

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Chairman Daniel K. Inouye
Committee on Commerce, Science and Transportation
United States Senate
508 Dirksen Senate Office Building
Washington, DC 20510

Dear Mr. Chairman:

We are writing to request that you schedule a hearing in the Senate Committee on Commerce, Science and Transportation on the topic of service discrimination by phone and cable companies.

Over the past several months there have been incidents that have raised serious concern about the phone and cable companies' power to discriminate against content. Just recently, Verizon Wireless arbitrarily chose to block a series of text messages on the grounds that the subject matter was too controversial. While the carrier, to its credit, reversed this decision, this illustrates its power as a content gatekeeper. Then came the news that AT&T reserves the right in its Terms of Service to discontinue the service of customers that criticize the company. And just last week, we saw reports of Comcast interfering with the popular file-sharing service BitTorrent.

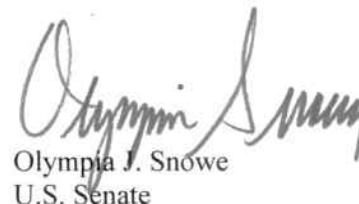
All of these developments, Mr. Chairman, suggest that the Committee needs to consider the issue of content discrimination and investigate these incidents further to determine if they were based on legitimate business and network management policies or part of practices that would be deemed unfair and anti-competitive. The phone and cable companies have previously stated that they would never use their market power to operate as content gatekeepers and have called efforts to put rules in place to protect consumers "a solution in search of a problem." These recent events suggest that response is well short of being sufficient and this Congress should consider adopting targeted regulations to protect consumers and ensure an open and vibrant communications platform.

We request that the full Committee hold a hearing to discuss discrimination against content and applications by phone and cable companies, and whether current regulatory protections are enough. We would appreciate the hearing being held as soon as possible.

Thank you for your attention to this matter that is of such fundamental interest to our constituents and to the future of our nation's communications.

Sincerely,


Byron L. Dorgan
U.S. Senator


Olympia J. Snowe
U.S. Senate