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# United States Senate

WASHINGTON, DC 20510-3405

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Chairman Kevin J. Martin  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Chairman Martin:

Recent reports indicate that one of the nation's largest wireless telecommunications carriers arbitrarily chose to block a series of text messages on the grounds that the subject matter was too controversial. Its policy had been to not accept messages from any group "that seeks to promote an agenda or distribute content that, in its discretion, may be seen as controversial or unsavory to any of our users." To its credit, the carrier, after a swift public outcry of concern, reversed this decision. It has also come to our attention that at least one other of our largest carriers reserves the right in its terms of service to censor speech that criticizes the company.

The telephone 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." But these recent events demonstrate that we need effective regulations to protect consumers and ensure an open and vibrant communications platform.


Broadband connections are integral to Americans' ability to engage in political dialogue, commerce, entertainment and education. As policymakers, we must ensure that the broadband Internet marketplace remains an open and dynamic medium for communications. That is why we introduced S. 215, the Internet Freedom Preservation Act.

Mr. Chairman, we are writing to ask for the FCC's position on this issue. Specifically, please provide us with your analysis of existing constitutional, legal and regulatory limitations, if any, prohibiting an operator of a wireless telecommunications service from discriminating against, blocking or otherwise conditioning the sending of text messages using such service based on the political content of the text message or the political affiliation of the person originating the text message. We hope you will reply promptly.

Sincerely,



Byron L. Dorgan  
U.S. Senator



Olympia J. Snowe  
U.S. Senator

Cc:

Commissioner Michael J. Copps  
Commissioner Jonathan S. Adelstein  
Commissioner Deborah Taylor Tate  
Commissioner Robert M. McDowell