

February 9, 2012

The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Henry Waxman  
Ranking Member  
Committee on Energy and Commerce  
2322A Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Upton and Ranking Member Waxman:

The undersigned groups are united in our opposition to the Federal Communications Commission Process Reform Act (H.R. 3309) and the FCC Consolidated Reporting Act (H.R. 3310). These bills would severely hinder the FCC's ability to carry out its congressional mandate to promote competition, innovation and the availability of communications services. We urge the Committee to cancel its proposed markup of these two bills as currently drafted, and consider more suitable reforms to the FCC that focus on protecting consumers and limiting the undue influence of corporate lobbyists.

The Process Reform Act would wrap the FCC in red tape and give industry lobbyists and lawyers new ways to drown out the voices of everyday people. The bill would create insurmountable hurdles to the FCC's rulemaking process and prevent the agency from protecting consumers. Corporations seeking to avoid oversight would have new grounds to sue the FCC just because they disagree with the agency's reasoning. The legislation would also prevent the Commission from making predictive judgments based on good evidence to prevent probable consumer harm. This means the agency would have to wait for consumers to get hurt in the marketplace before being able to promulgate rules. This is akin to waiting until *after* the BP oil spill to adopt safety standards in off-shore drilling.

The Consolidated Reporting Act would eliminate reporting requirements the FCC currently has in place to assess everything from how cable prices affect consumers to how broadcasters meet the public interest obligations that come with their use of public airwaves. It would also gut the Broadband Data Improvement Act, a 2008 law that passed with overwhelming bipartisan support and requires the FCC to conduct detailed comparisons between the U.S. and other broadband markets across the globe.

The public is rightly concerned about the concentration and influence of corporate power in Washington, but the bills before the Committee would enshrine into law corporate capture at the FCC. We fear they would stop the FCC from promoting economic development and protecting consumers in the face of self-interested industry opposition. We urge the Committee to reconsider H.R. 3309 and H.R. 3310 as currently drafted and instead adopt more sensible reforms.

Sincerely,

Access Humboldt  
Akaku: Maui Community Television  
Alliance for Communications Democracy  
Alliance for Community Media  
Appalshop  
Boston Neighborhood Network

Brunswick TV3  
California Center for Rural Policy  
Cambridge Community Television  
Center for Media Justice  
Center for Rural Strategies  
Common Cause  
Common Frequency  
Community Television Association of Maine  
Consumers Union  
Dalton Print Consulting  
Davis Media Access  
Easton Community Access Television  
Free Press  
Future of Music Coalition  
Institute for Local Self-Reliance  
Main Street Project  
Media Access Project  
Media Action Center  
Media Alliance  
Media Literacy Project  
Mountain Area Information Network  
National Association of Broadcast Employees and Technicians – Communications Workers of America  
National Association of the Deaf  
National Federation of Community Broadcasters  
New America Foundation  
The Newspaper Guild – Communications Workers of America  
OMB Watch  
People's Production House  
Prometheus Radio Project  
Public Citizen  
Public Knowledge  
Reclaim the Media  
Scribe Video Center  
StoptheCap.com  
St. Paul Neighborhood Network  
Telecommunications for the Deaf and Hard of Hearing, Inc.  
Terzetto Creative, LLC  
United Church of Christ, Office of Communication  
Writers Guild of America, West