

**Congress of the United States**  
**Washington, DC 20515**

The Honorable Tom Wheeler  
Chairman, Federal Communications Commission  
445 12th Street, Southwest  
Washington, DC 20554

June 15, 2016

Dear Chairman Wheeler,

We write with interest in the FCC's ongoing proceedings to implement Section 629 of the Communications Act. We commend this effort to provide consumers with greater choice, and spur innovation.

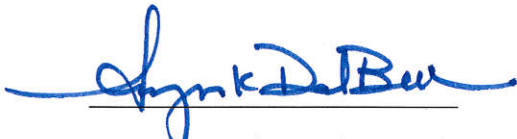
Ensuring the competitive availability of navigation devices can help expand consumer choice in terms of both features and prices. Consumers could shop around and select from a range of competitive devices equipped with different features. And they would have greater options to purchase rather than lease a device -- not unlike the myriad options we all currently enjoy to purchase a modem and router rather than lease them from a multichannel video programing distributor (MVPD). These are the positive benefits promised by section 629, and we commend the effort to update the rules to that section so that it better serves consumers and reflects the way technology has evolved. However, we wish to highlight some potential issues related to protecting consumer privacy that we feel remain unresolved, and urge the Commission to address these with the utmost care before moving forward in the rulemaking process.

As the NTIA noted in a letter dated April 14, 2016, there are very real privacy concerns the Commission should consider to ensure that its actions in addressing the set top box market does not degrade existing privacy protections for consumers. We are particularly concerned that the self-certification process that has been suggested for MVPDs does not provide an adequate level of protection for consumers. There remain critical unanswered questions about this framework, such as who will ensure compliance, what source of law will provide the teeth behind enforcement, and how consumers will be assured that they will retain their existing consumer remedies for infringements of privacy. Even if, as the Federal Trade Commission (FTC) staff notes, the FTC might play an enforcement role under Section 5 of the FTC Act, the FTC does not have the authority to award private damages or to create a consumer's private right of action. Nor can the FTC assure the same protections for consumers against government agencies who seek personally identifiable viewing records as consumers are provided under Section 631.

Keeping these concerns in mind, we urge the Commission to pursue a privacy framework that is robust, enforceable and technology-neutral, providing parity between cable providers' devices and new market entrants' devices.

Thank you for taking these concerns into consideration. Should you have any questions, please feel free to contact my staff, Lauren Soltani at [lauren.soltani@mail.house.gov](mailto:lauren.soltani@mail.house.gov) or 202-225-6311.

Sincerely,



Suzan K. DelBene (WA-01)

Member of Congress



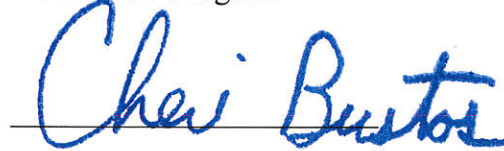
Steve Cohen (TN-09)

Member of Congress



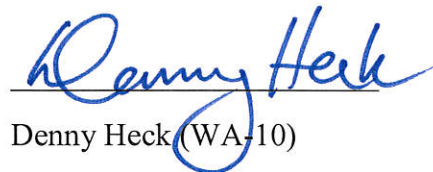
David N. Cicilline (RI-01)

Member of Congress



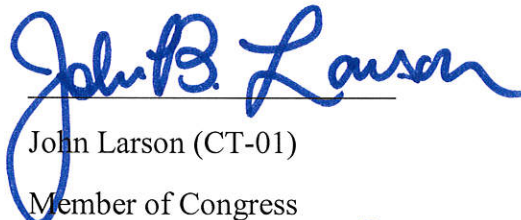
Cheri Bustos (IL-17)

Member of Congress



Denny Heck (WA-10)

Member of Congress



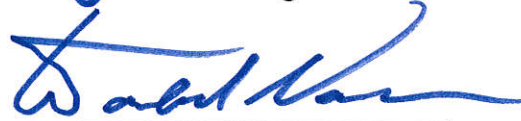
John Larson (CT-01)

Member of Congress



David Loebsock (IA-02)

Member of Congress



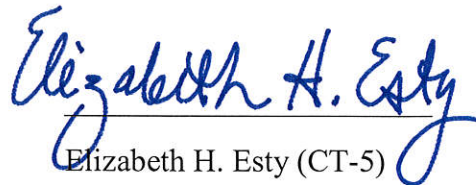
Donald Norcross (NJ-01)

Member of Congress



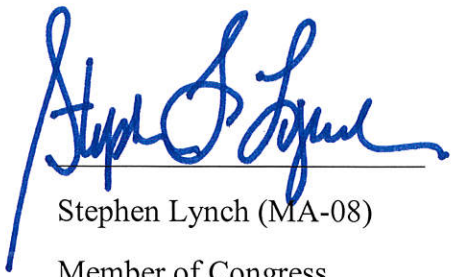
Rick Larsen (WA-02)

Member of Congress



Elizabeth H. Esty (CT-5)

Member of Congress

A handwritten signature in blue ink, appearing to read "Stephen Lynch", is written over a horizontal line. The signature is fluid and cursive.

Stephen Lynch (MA-08)

Member of Congress