



February 13, 2023

The Honorable Maria Cantwell
Chair
Committee on Commerce, Science,
and Transportation
United States Senate
Washington, DC 20510

The Honorable Ted Cruz
Ranking Member
Committee on Commerce, Science,
and Transportation
United States Senate
Washington, DC 20510

Dear Chair Cantwell and Ranking Member Cruz:

The U.S. Chamber of Commerce strongly opposes the nomination of Gigi Sohn to serve as Commissioner of the Federal Communications Commission (FCC) due to her longtime advocacy of overly aggressive and combative regulation of the communications sector. The Chamber strongly believes that effective, durable policies to connect Americans must be developed in a consensus-building manner and conducive to innovation. If confirmed, we believe that Ms. Sohn's extreme views on broadband and communications policy would make it more challenging to reach consensus and stifle broadband deployment.

Ms. Sohn is one of the leading advocates for policies that amount to regulatory overreach in the broadband market. She was a strong supporter of the 2015 Open Internet Order, which regulated broadband like a public utility under Title II of the Communications Act. This policy led to the decline in private sector broadband investment for the [first time outside a national economic slowdown](#). Not only would Ms. Sohn likely advocate a return to this policy, she argued to take things a step further in an October 2020 "[plan for action](#)" in which broadband service would be subject to even further requirements under Title II such as service fees. This could lead to an even greater reduction in private sector investment and impose greater costs on consumers. At a time when America seeks to connect all Americans, it should remove regulatory barriers – not add to them.

Another alarming position Ms. Sohn has taken is her extensive advocacy for government-owned networks.¹ The U.S. private-sector broadband industry is what enabled the United States to endure capacity shifts during the COVID-19 pandemic. It would be a mistake to embrace a public option for broadband instead of focusing on private sector providers who have helped the United States lead the world in quality and resilience.

¹ Empowering and Connecting Communities through Digital Equity and Internet Adoption Before the Subcomm. on Comm'n and Tech. of the H. Comm. on Energy and Com., 116th Cong. 7-8 (2020) (statement of Gigi Sohn, Senior Fellow and Public Advocate, Benton Institute for Broadband & Society)

Ms. Sohn's [record related to intellectual property](#) -- a cornerstone of America's free enterprise system -- is also alarming, as evidenced by positions she has taken on several issues, including the 2016 proposed set-top box rule. FCC needs a commissioner fully committed to ensuring creators and innovators can continue to flourish and their important intellectual property rights are protected.

In July 2021, President Biden signed an Executive Order on "Promoting Competition in the American Economy" that, in part, encouraged the FCC to consider several troubling policy actions, including reinstating the net neutrality rule through Title II reclassification and broadband access to residential and office buildings. Since then, the FCC completed rulemaking on the latter topic, raising a potential concern that the FCC is taking direction from the White House on telecommunications policy.²

As the federal government continues an unwarranted, unjustified, and oftentimes unlawful campaign against the business community across regulatory agencies, Ms. Sohn's track record and her views on communications policy could be seen as promoting a government take-over of the broadband industry.

Unless Ms. Sohn can sufficiently address these concerns, the Chamber believes FCC would be well served by another nominee and we will continue to oppose Ms. Sohn's nomination.

Sincerely,



Neil L. Bradley
Executive Vice President, Chief Policy Officer,
and Head of Strategic Advocacy
U.S. Chamber of Commerce

cc: Members of the Senate Committee on Commerce, Science, and Transportation

² <https://www.uschamber.com/regulations/letter-on-the-legal-implications-of-white-house-interactions-with-independent-agencies>