



February 15, 2011

The Honorable Fred Upton  
Chairman  
The Honorable Henry Waxman  
Ranking Member  
Committee on Energy & Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Greg Walden  
Chairman  
The Honorable Anna Eshoo  
Ranking Member  
Subcommittee on Communications,  
Technology & the Internet  
U.S. House of Representatives  
Washington, DC 20515

Re.: Opposition to Overturning FCC Open Internet Order

Dear Chairman Upton, Ranking Member Waxman, Chairman Walden, and Ranking Member Eshoo:

On behalf of the Asian American Justice Center (AAJC), we urge you not to overturn the order of the Federal Communications Commission in Preserving the Open Internet: Broadband Industry Practices (rel. Dec. 23, 2010) (“Open Internet Order”) by way of the Congressional Review Act, a rider to appropriations measures or any other means available to Congress.

The publicly stated objective of AAJC and many of its coalitional partners throughout the long debate that led to the Open Internet Order was to reach a decision that balances competing interests in a way that provides clarity for businesses to invest in network infrastructure that is necessary for building out and upgrading our nation’s broadband infrastructure, and for private sector driven job creation. Providing regulatory certainty for private investment and job creation is one of our key goals. The Open Internet Order achieves a balance that is reasonable. That is why we strongly urge Congress to not take any steps to overturn the Open Internet Order.

The Open Internet Order is now before the U.S. Court of Appeals for the District of Columbia Circuit and we anticipate that judicial review will be expeditious. We urge Congress to allow the judicial process to run its course. After the courts resolve this matter, we trust that Congress will not hesitate to exercise its oversight powers with wisdom and dispatch.

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Rather than risk disrupting the regulatory certainty that has been crystallizing since the Open Internet Order was issued, we urge Congress to focus on the critical goals of the National Broadband Plan. These include promoting broadband adoption through targeted and efficient programs, fixing the nearly-broken Universal Service Fund, and advancing the participation of minority business enterprises in the broadband economy. We strongly believe that creative, efficient and bipartisan solutions to these practical problems are what the communities that we represent and Americans everywhere expect from Congress.

Thank you for taking our views into consideration and we look forward to working with you to advance innovation, growth and prosperity for all Americans.

Sincerely,

A handwritten signature in black ink, reading "Karen K. Narasaki". The signature is written in a cursive style with a large, stylized initial "K".

Karen K. Narasaki  
President and Executive Director