National Urban League
celebrating 100 years

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Empowering Communities. Changing Lives.

February 15, 2011

Hon. Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

cc: Hon. Henry Waxman
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
2322A Rayburn House Office Building
Washington, DC 20515

Dear Chairman Upton,

As one of the nation's largest and oldest civil rights organizations with 100 local affiliates in 36 states and the District of Columbia that provide direct services to more than 2 million people a year, we urge you to not take any steps to review or overturn by way of the Congressional Review Act, a rider to appropriations measures or any other means, the December 23, 2011 orders of the Federal Communications Commission relating to the open internet.

Our publicly stated objective throughout the long debates that led to the open internet orders was to reach a decision that balanced competing interests in a way that provides clarity for businesses to invest in much needed network infrastructure and for private sector driven job creation. We believe that the open internet orders achieve a reasonable balance. Providing regulatory certainty for private investment and job creation is our key goal. That is why we urge the U.S. Congress to not take any steps to review or overturn the open internet orders.

The open internet orders are now before the U.S. Court of Appeals for judicial review. That is part of the process by which regulatory certainty will be crystallized. To review or overturn the open internet orders while that process is

occurring, after it took a long time to get to that point, will reintroduce regulatory uncertainty. That will cause significant disruptions to private investments and job creation. The U.S. Congress should allow for the proper judicial process to work through expeditiously and then act, as and when the court has ruled.

Rather than risk disrupting the regulatory certainty that has been crystallizing, we urge the U.S. Congress to focus on the critical goals of the National Broadband Plan. These include promoting broadband adoption through targeted and efficient programs, reforming the Universal Service Fund, and advancing the participation of minority businesses in the broadband economy. We believe that creative, efficient and bipartisan solutions to these practical problems are what the communities that we represent and Americans everywhere expect from all of us.

We thank you for taking our views into consideration and we hope that you will act in accordance with them. We congratulate you on your election as Chairman and look forward to working with you to advance innovation, growth and prosperity for all Americans.

Sincerely,

Marc H. Morial
President and Chief Executive Officer
National Urban League