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ONE HUNDRED FOURTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

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April 2, 2015

Mr. Larry Downes  
245 Willamette Avenue  
Kensington, CA 94708

Dear Mr. Downes:

Thank you for appearing before the Subcommittee on Communications and Technology on February 25, 2015, to testify at the hearing entitled "The Uncertain Future of the Internet."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on April 16, 2015. Your responses should be mailed to Charlotte Savercool, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515 and e-mailed in Word format to [Charlotte.Savercool@mail.house.gov](mailto:Charlotte.Savercool@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Greg Walden  
Chairman  
Subcommittee on Communications and Technology

cc: Anna Eshoo, Ranking Member, Subcommittee on Communications and Technology

Attachment

## Attachment—Additional Questions for the Record

### The Honorable Brett Guthrie

1. Small, rural carriers are important to my district, so I would ask you to provide your further thoughts on how they in particular might be affected if Title II regulations are challenged in court. What are some of the effects of protracted litigation that you would expect to affect these small, rural carriers both indirectly and directly, especially given that many of them will not have the resources to spend a significant amount of time or money in court, even though we expect a legal challenge to be initiated by some of the larger carriers?

2. You note that many of the commercial activities that the White House and their supporters at the FCC appear to be worried about, and that are ostensibly driving Title II regulation, are already subject to FTC anti-trust and anti-competition law, but that the FCC's enforcement power under Title II would preempt the FTC from taking further enforcement action. In addition, as a result of preemption the FCC would lack access to the FTC's "legal toolkit," as you term it.

What do you expect the practical effect of this to be, especially in the context of forbearance—if the FCC forbears from only some provisions of Title II and not others, how might that affect the overlap of the two agencies' enforcement powers? Put another way, to what extent will the FTC be preempted from acting under Title II regulation if only some provisions of Title II apply in any given situation?

### The Honorable Gus Bilirakis

1. Mr. Downes, as an advisor to start-ups and new entries in this space, can you explain how the agility of the market could change under Title II?

What will small or budding internet based businesses have to worry about or comply with next week under Title II that you don't have to today?