

FRED UPTON, MICHIGAN
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

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

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927

Minority (202) 225-3641

July 5, 2016

Mr. Paul Ohm
Professor of Law
Georgetown University Law Center
600 New Jersey Avenue, N.W.
Washington, DC 20001

Dear Mr. Ohm:

Thank you for appearing before the Subcommittee on Communications and Technology on Tuesday, June 14, 2016, to testify at the hearing entitled "FCC Overreach: Examining the Proposed Privacy Rules."

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 Tuesday, July 19, 2016. Your responses should be mailed to Greg Watson, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to Greg.Watson@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 G. Eshoo, Ranking Member, Subcommittee on Communications and Technology

Attachment

Attachment — Additional Questions for the Record

The Honorable Greg Walden

1. In your 2009 working paper titled, “The Rise and Fall of Invasive ISP Surveillance”, you write that ISPs have “an amazingly pristine track record” when it comes to respecting consumer privacy. It appears from your testimony that you believe they are, nonetheless, deserving of regulation to protect consumers. Could you give specific examples, other than the FTC’s enforcement actions levied against ISPs, in which ISPs appear to have violated consumers’ privacy justifying your stance?

2. You state that it is true that other online entities are beginning to rival BIAS providers with regard to the information they collect. You highlight social networking sites. Is it your contention that other parts of the online ecosystem like these should be more heavily regulated -- sector specific -- with regard to online privacy – yes or no?