



March 2, 2022

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

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

Dear Chair Cantwell and Ranking Member Wicker:

The U.S. Chamber of Commerce opposes the nomination of Gigi Sohn to serve as a 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, bipartisan manner, and the Chamber has supported many of President Biden's nominees, including [Ms. Jessica Rosenworcel's nomination](#) as FCC chair. However, we believe that, if confirmed, Ms. Sohn would make achieving such consensus difficult because of her extreme views on issues on regulating broadband like a public utility, undermining intellectual property protections, and pursuing an agenda that would stifle competition.

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 like 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, which 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 as opposed to focusing on private sectors providers who have helped the United States lead the world in quality and resilience.

Also, Ms. Sohn's [record is alarming on the issue of intellectual property](#), a cornerstone of America's free enterprise system, as evidenced by positions she has taken on several

¹ Empowering and Connecting Communities through Digital Equity and Internet Adoption Before the Subcomm. on Commc'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)

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.

At a time when the Biden Administration is launching an unwarranted and unjustified campaign against the business community through federal regulators, Ms. Sohn's track record and her views on competition would create unnecessary obstacles to crafting effective, durable policies to ensure all Americans are connected. Ms. Sohn would make this situation worse at FCC. She has asserted that broadband is "[the tech antitrust problem no one is talking about](#)", and has [lauded](#) the contents of *Executive Order on Promoting Competition in the American Economy*, which encourages FCC to pursue actions related to competition policy and chips away at the independence of independent regulatory agencies, like the FCC.²

We believe FCC would be well served by another nominee. The Chamber opposes Ms. Sohn's nomination.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil Bradley", with a stylized flourish at the end.

Neil 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

²See Dan Bosch, *Competition EO Further Blurs Independence of Agencies*, AMERICAN ACTION FORUM (July 9, 2021), <https://www.americanactionforum.org/insight/competition-eo-further-blurs-independence-of-agencies/>.