

# United States Senate

WASHINGTON, DC 20510

September 6, 2018

The Honorable Ajit V. Pai  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Pai,

We write to express our alarm with the revelations that Verizon Communications drastically slowed the data plan that the Santa Clara County Fire Department (SCFD) had purchased from Verizon while it was in the middle of fighting the Mendocino Complex fire, the largest in our state's history.

As you know, a key part of the FCC's work is to ensure that internet service providers such as Verizon are transparent about the terms of the services they provide to customers. Communications between the department and Verizon suggest that SCFD believed the data plan it purchased from Verizon was not subject to any data limits or throttling. We therefore ask the FCC to investigate whether Verizon violated 47 CFR § 8.1, which requires internet service providers to publicly disclose information about their "network management practices, performance characteristics, and commercial terms of their broadband internet access services sufficient to enable consumers to make informed choices regarding the purchase and use of such services."

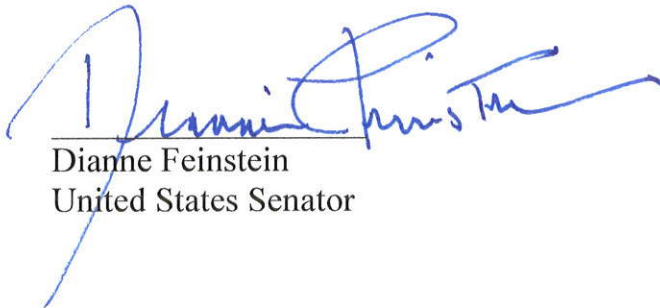
While all consumers should be afforded equal protections under the FCC's transparency rule, the dangers from non-compliance with this rule are even greater when first responders are affected. In times of an emergency, efficient and effective communications systems are some of the most important tools our first responders need to be able to respond to an incident.

Our first responders should have the communications tools they need to effectively protect our communities, regardless of their Internet service provider. In addition to commencing an investigation into Verizon's actions, we ask that you request the following information from AT&T, T-Mobile, and Sprint as well:

1. How do you ensure that your public safety customers are aware of restrictions on their data plans (in advance of purchase), including data caps and conditions for reduced speeds?
2. Do you currently impose any data caps or reduce speeds after a certain point on any service plans purchased by public safety customers? Please specify the conditions under which speeds are reduced, and the criteria used.
3. In the event that you answered affirmatively to the second question, what protocols do you have in place to allow public safety customers to designate certain mission-critical activities (such as actively responding to an emergency) that are then exempt from any data caps or throttling?

We thank you for your attention to this urgent matter and respectfully request a response to this inquiry, confirming that you will be able to complete this investigation in a timely manner. Given that we are in the middle of one of the worst fire seasons in our state's history, we ask that you move expeditiously to complete this request.

Sincerely,



Dianne Feinstein  
United States Senator



Kamala D. Harris  
United States Senator

Cc: Commissioner Michael O'Rielly  
Commissioner Brendan Carr  
Commissioner Jessica Rosenworcel  
Rosemary Harold, Bureau Chief, Enforcement Bureau  
Lisa M. Fowlkes, Bureau Chief, Public Safety Bureau

# United States Senate

WASHINGTON, DC 20510

September 6, 2018

Mr. Hans Vestberg  
Verizon, Inc.  
140 West St.  
New York, NY 10013

Dear Mr. Vestberg,

We write to express our concern with the revelations that Verizon throttled the Santa Clara Fire Department's (SCFD) broadband usage while it was fighting the Mendocino Complex fire. The declarations made by SCFD suggest that they may not have been fully aware that the service plan purchased from your company contained data caps.

According to declarations made in a court filing, SCFD made Verizon aware that they were experiencing unusably slow speeds while their firefighters were actively responding to the fire. When SCFD asked a Verizon customer service representative to help them get rid of unexpected data caps that were preventing them from using the communications tools they needed, your company responded by selling SCFD a more expensive data package.

We remain concerned that SCFD may have been told that their plan was "unlimited," only because they could continue to purchase more data once they hit their data caps. If this was the case, then this strikes us as disingenuous marketing. By this logic, any restaurant with a menu is a "buffet". While we appreciate that Verizon has made a promise to lift data caps on its public safety customers in the event of a future disaster, we would like to know more about how this came about in the first place, and Verizon's specific plans to ensure that it won't happen again.

We would appreciate responses to the following questions by September 21, 2018.

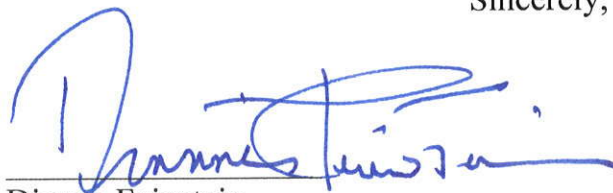
1. Was the broadband plan that the Santa Clara Fire Department was initially using while fighting the Mendocino Complex Fire described as "unlimited" in any promotional materials, contracts, verbal or written communications?




2. Have other public safety customers in California purchased “unlimited” data plans that are subject to speed restrictions after a certain amount of data usage has been surpassed? If so, what steps are you taking to alert those customers that their plans are not truly “unlimited,” and are subject to data caps?
3. Aside from the customer service representative who dealt directly with the SCFD during this incident, what other executives at Verizon had knowledge of the concerns raised by SCFD during the fire? How will these executives be held accountable for the role they had in Verizon’s response to SCFD?
4. What specific protocols are you implementing to ensure that public safety customers are exempt from data caps or throttling in the future when they are actively responding to emergencies?

Thank you for your prompt attention to this important issue.

Sincerely,



Dianne Feinstein  
United States Senator



Kamala D. Harris  
United States Senator

# United States Senate

WASHINGTON, DC 20510

September 6, 2018

Mr. Randall L. Stephenson  
Chairman and Chief Executive Officer  
AT&T, Inc.  
208 S. Akard St.  
Dallas, TX 75202

Dear Mr. Stephenson,

We write over concerns we have with the revelations that Verizon throttled the Santa Clara Fire Department's (SCFD) broadband usage while it was fighting the Mendocino Complex fire. In the event of an emergency, effective communication tools can be just as important as fire trucks, and all service providers have a responsibility to help keep our communities safe by supporting our first responders.

As a result, we remain concerned that SCFD may not have been fully aware that the service plan they purchased from Verizon was subject to data caps. Furthermore, once SCFD made Verizon aware that the data caps on their plan were hampering their ability to fight the fire, the caps were not removed.

We understand that SCFD encountered these issues with a different wireless carrier. However, we believe that the concerns raised by this specific incident offer an opportunity for all service providers to commit to being transparent with public safety customers about the terms of their service plans and to ensure that those customers are not subject to data caps when they are actively responding to an emergency.

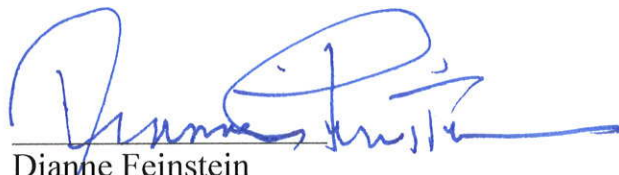
As a result we would appreciate responses from your company to the following questions by September 21, 2018.

1. Do you have public safety customers in California that have purchased "unlimited" data plans that are subject to speed restrictions after a certain amount of data usage has been surpassed? If so, what steps are you taking to alert those customers that their plans are not truly "unlimited," and are subject to data caps?


2. Do you commit to lifting all data caps on public safety customers while they are actively responding to emergencies? If so, what specific protocols have you implemented, or do you plan on implementing, to ensure that public safety customers are exempt from data caps or throttling in the future when they are actively responding to emergencies?

Thank you for your prompt attention to this important issue.

Sincerely,



Dianne Feinstein  
United States Senator



Kamala D. Harris  
United States Senator

# United States Senate

WASHINGTON, DC 20510

September 6, 2018

Mr. Michel Combes  
Chief Executive Officer  
Sprint Corporation  
6480 Sprint Pkwy Bldg 13  
Overland Park, KS 66251

Dear Mr. Combes,

We write over concerns we have with the revelations that Verizon throttled the Santa Clara Fire Department's (SCFD) broadband usage while it was fighting the Mendocino Complex fire. In the event of an emergency, effective communication tools can be just as important as fire trucks, and all service providers have a responsibility to help keep our communities safe by supporting our first responders.

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Dianne Feinstein  
United States Senator



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Kamala D. Harris  
United States Senator



# United States Senate

WASHINGTON, DC 20510

September 6, 2018

Mr. John Legere  
Chief Executive Officer  
T-Mobile USA, Inc.  
12920 Se 38th St.  
Bellevue, WA, 98006

Dear Mr. Legere,

We write over concerns we have with the revelations that Verizon throttled the Santa Clara Fire Department's (SCFD) broadband usage while it was fighting the Mendocino Complex fire. In the event of an emergency, effective communication tools can be just as important as fire trucks, and all service providers have a responsibility to help keep our communities safe by supporting our first responders.

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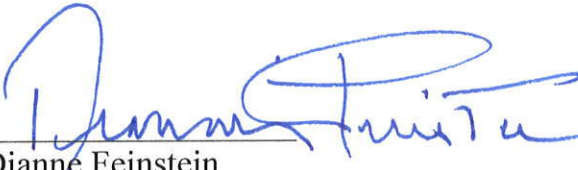
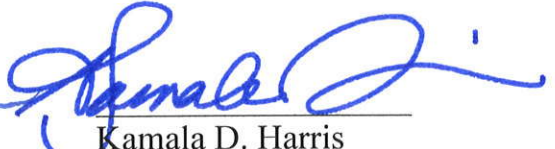
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United States Senator  
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