

GREG WALDEN, OREGON
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED FIFTEENTH 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

May 17, 2017

The Honorable Greg Walden
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Marsha Blackburn
Chairman
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Tim Murphy
Chairman
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Walden, Chairman Blackburn, and Chairman Murphy:

We write to request that you hold a hearing to examine the recent failure of the Federal Communications Commission's (FCC) website to handle the many visitors who have attempted to file comments in the FCC's net neutrality proceeding. It is critical for the FCC to be able to facilitate public participation in open rulemaking proceedings. We have serious concerns that the FCC's website failures deprive members of the public of opportunities to make their voices heard on net neutrality – an issue that affects everyone who uses the internet.

On Sunday, May 7, 2017, comedian John Oliver aired a segment on his show, *Last Week Tonight*, in which he implored his viewers to file comments about net neutrality on the FCC's

The Honorable Greg Walden
The Honorable Marsha Blackburn
The Honorable Tim Murphy
May 17, 2016
Page 2

website. Multiple media outlets reported that the FCC's website "went down"¹ after the segment, noting that "the FCC's servers appeared to be overwhelmed by the flood of traffic."²

The following day, the FCC's Chief Information Officer, Dr. David Bray, claimed that the FCC "was subject to multiple distributed denial-of-service attacks."³ According to Dr. Bray, beginning on Sunday, May 7, 2017, the FCC's Electronic Comment Filing System experienced a "high amount of traffic" that made it "difficult for legitimate commenters to access and file with the FCC."⁴

We request that you schedule a hearing without delay to examine the FCC's failures to accommodate visitors attempting to file online comments in the net neutrality proceeding. Specifically, we ask you to call the FCC's Chief Information Officer as a witness to allow us to explore issues related to this matter. Key issues needing further explanation include the following:

1. What is the FCC doing to "address this situation" and to "monitor developments," as was mentioned in the FCC Chief Information Officer's statement?⁵
2. How many visitors is the FCC's comment-filing website designed to accommodate at the same time?
3. How many visitors were unable to access the FCC's website and file comments during the time the system experienced a "high amount of traffic?"⁶
4. Does the FCC have sufficient resources to keep its servers online during high-profile proceedings?
5. Is the FCC making alternative ways available for members of the public to file comments in the net neutrality proceeding?

¹ *FCC site crashes after John Oliver segment*, The Hill (May 8, 2017) (www.thehill.com/policy/technology/332342-john-oliver-roasts-the-fccs-plan-to-curb-net-neutrality). See also, *John Oliver Just Crashed the FCC's Website Over Net Neutrality—Again*, Motherboard (May 8, 2017) (www.motherboard.vice.com/en_us/article/john-oliver-just-crashed-the-fccs-website-over-net-neutralityagain?utm_source=mbtwitter)

² *John Oliver Gets Fired Up Over Net Neutrality—and FCC's Site Goes Down*, Fortune (May 8, 2017) (www.fortune.com/2017/05/08/john-oliver-net-neutrality/)

³ Federal Communications Commission, *FCC CIO Statement on Distributed Denial-of-Service Attacks on FCC Electronic Comment Filing System* (May 8, 2017) (press release)

⁴ *Id.*

⁵ FCC Press Release, *supra* n. 3.

⁶ *Id.*

The Honorable Greg Walden
The Honorable Marsha Blackburn
The Honorable Tim Murphy
May 17, 2016
Page 3

6. How did the FCC determine that it experienced denial-of-service attacks?
7. What measures is the FCC currently taking to protect its website from denial-of-service attacks?

Your assistance in this matter is greatly appreciated, and we look forward to hearing from you. If you have any questions, please contact the minority committee staff at (202) 225-3641.

Sincerely,



Frank Pallone, Jr.
Ranking Member



Diana DeGette
Ranking Member
Subcommittee on Oversight
and Investigations



Michael F. Doyle
Ranking Member
Subcommittee on Communications
and Technology



Yvette D. Clarke
Member of Congress