

April 20, 2016

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th St., SW, Room TW-A325,
Washington, D.C. 20554

Re: WC Docket No. 16-106

Dear Ms. Dortch,

We, the undersigned, write to request that the Federal Communications Commission (the “Commission”) extend the deadline for the submission of comments regarding the Notice of Proposed Rulemaking (“NPRM”) referenced above, related to the application of the Communications Act privacy rules to broadband internet providers, WC Docket No. 16-06.

The undersigned organizations and associations represent the marketing, advertising, banking, retail, small business, and other non-telecommunications industries where consumers are seeing more content, choice, and competition in the marketplace than ever before. These consumer benefits are driven in part by an existing legal framework that promotes the responsible use of data and innovation to respond to consumer demands. To this end, we seek additional time to evaluate a set of rules that were proposed in the absence of any stated concern or demonstrated problem for consumers, but that will form the basis of a regulatory regime that will likely govern the entire data ecosystem as businesses evolve in the foreseeable future.

The NPRM spans 147 pages and contains more than 500 questions for comment. It proposes to define terms central to the data ecosystem, including “personally identifiable information,” and seeks to construct a new data security regime, notwithstanding preexisting and overlapping state and federal laws, jurisdictional and enforcement conflicts with other agencies, repeated instances of legislative and executive forbearance in this area, and ongoing policy debates in Congress.

From a process standpoint, more time is needed to gather input on the extraordinary number of requests for comment from the many thousands of trade association members represented by the undersigned. From a substantive standpoint, additional time is necessary to evaluate the specific terms of, and the legal authority supporting, an NPRM that was drafted and adopted without direction from Congress but will have a policy impact well-beyond its purported limited application to the telecommunications sector.

For the aforementioned reasons, we request that the Commission extend the initial comment period by 60 days to allow sufficient time for consideration and comment. Please do not hesitate to contact Stuart Ingis at singis@venable.com or 202.344.4613 if you have any questions.

Sincerely,

American Advertising Federation

American Association of Advertising Agencies
Association of National Advertisers
Direct Marketing Association
Electronic Retailer Association
Electronic Transaction Association
Interactive Advertising Bureau
National Business Coalition on E-Commerce & Privacy
Network Advertising Initiative
United States Chamber of Commerce