

April 23, 2012

Daniel S. Mead
President and CEO
Verizon Wireless
20 Alexander Drive
Wallingford, CT 06492

RE: The Impact of Data Caps on the Future Viability of Broadband

Dear Mr. Mead,

I am writing to ask for your assistance in helping the public to understand the role that data caps play in the continuing growth of the internet. As you are aware, every day larger parts of our economy, society, and government are moving online. This movement is fuelled in part by an understanding that the infrastructure of the internet can support wide-ranging innovation and big new ideas.

However, data caps threaten to undermine that environment of innovation. They turn connectivity into a zero sum game where every new application or activity must come at the cost of an existing one. Caps can freeze innovation in place, discouraging the development of beneficial – even if data intensive – technologies.

Business, government, and the public are devoting significant resources to make the internet a place where innovation and creativity continue to expand. They are assuming that the capacity to transmit information online will keep pace with innovative imagination. **If the networks cannot keep up, we need to know that now.**

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To better understand the role that data caps will play in the future capabilities of the internet, I ask that you answer a series of questions. They are designed to inform the public about how caps are set, how they are evaluated, and how they may evolve over time.

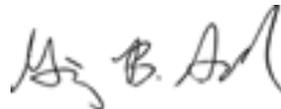
I respectfully request that you answer these questions by May 25, and I ask that you be specific. I understand that there may be proprietary information that you are

unable to share, but our ability to plan for the future is dependent on a complete, realistic understanding of the capabilities of our communications networks.

1. Have you implemented data caps on your network? If not, did you considering doing so? Why were you able to avoid imposing caps on your network? If yes, please continue. If your network has multiple cap levels, please answer these questions in terms of the most popular tier where appropriate.
2. What problems are data caps designed to address? Once you identified these problems, how did you determine that data caps were the most reasonable way to address them?
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7. What might cause the data caps to change? Why would the allowance be increased or decreased? Why would the type of penalty change?

Thank you in advance for taking the time to answer these questions.

Sincerely,



Gigi B. Sohn
President and CEO

April 23, 2012

Ralph de la Vega
President and CEO
AT&T Mobility
1025 Lenox Park Boulevard North East
Atlanta, GA 30319

RE: The Impact of Data Caps on the Future Viability of Broadband

Dear Mr. de la Vega,

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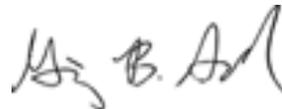
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Gigi B. Sohn
President and CEO

April 23, 2012

Philipp Humm
CEO and President
T-Mobile USA
12920 SE 38th St.
Bellevue, WA 98006

RE: The Impact of Data Caps on the Future Viability of Broadband

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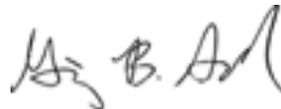
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Gigi B. Sohn
President and CEO

April 23, 2012

Dan Hesse
CEO
Sprint Nextel
6200 Sprint Pkwy
Overland Park, KS 66251

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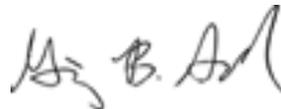
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Sincerely,



Gigi B. Sohn
President and CEO

April 23, 2012

Lowell C. McAdam
Chairman and CEO
Verizon
140 West St
New York, NY 10007

RE: The Impact of Data Caps on the Future Viability of Broadband

Dear Mr. McAdam,

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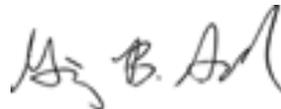
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Gigi B. Sohn
President and CEO

April 23, 2012

Brian L. Roberts
Chairman and CEO
Comcast
1 Comcast Center
Philadelphia, PA 19103

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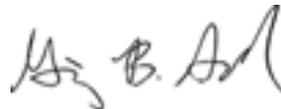
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Gigi B. Sohn
President and CEO

April 23, 2012

Glenn A. Britt
Chairman, President, and CEO
Time Warner Cable
60 Columbus Circle
New York, NY 10023

RE: The Impact of Data Caps on the Future Viability of Broadband

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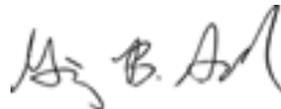
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President and CEO

April 23, 2012

Patrick J. Esser
President
Cox Communications
1400 Lake Hearn Drive
Atlanta, GA 30319

RE: The Impact of Data Caps on the Future Viability of Broadband

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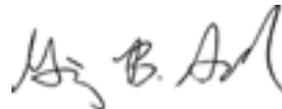
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Randall L. Stephenson
Chairman, CEO, and President
AT&T
208 S. Akard St.
Dallas, TX 75202

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However, data caps threaten to undermine that environment of innovation. They turn connectivity into a zero sum game where every new application or activity must come at the cost of an existing one. Caps can freeze innovation in place, discouraging the development of beneficial – even if data intensive – technologies.

Business, government, and the public are devoting significant resources to make the internet a place where innovation and creativity continue to expand. They are assuming that the capacity to transmit information online will keep pace with innovative imagination. **If the networks cannot keep up, we need to know that now.**

As you well know, distribution of commercial video is just one reason the internet has experienced such enormous growth. Governments from small municipalities to the United States Congress are moving to stream their proceedings online. Presidential debates are also available over the internet. Religious services reach parishioners unable to leave their homes through streaming video. Educational institutions at all levels are moving instruction online to reach even more students. Families divided by geography come together through online video chats. Doctors can consult with far away specialists or bedridden patients by way of the internet. And these are just examples of what is possible *today*.

To better understand the role that data caps will play in the future capabilities of the internet, I ask that you answer a series of questions. They are designed to inform the public about how caps are set, how they are evaluated, and how they may evolve over time.

I respectfully request that you answer these questions by May 25, and I ask that



you be specific. I understand that there may be proprietary information that you are unable to share, but our ability to plan for the future is dependent on a complete, realistic understanding of the capabilities of our communications networks.

57. Have you implemented data caps on your network? If not, did you considering doing so? Why were you able to avoid imposing caps on your network? If yes, please continue. If your network has multiple cap levels, please answer these questions in terms of the most popular tier where appropriate.
58. What problems are data caps designed to address? Once you identified these problems, how did you determine that data caps were the most reasonable way to address them?
59. How did you determine the proper cap? Were other methods of determining that level considered? If so, why were they inadequate?
60. How did you determine the proper penalty for going over the cap? How did you choose between an overage fee, throttling, or suspension of service? If you chose an overage fee, how did you determine the fee? If you chose throttling, how did you determine the appropriate slower rate? If you chose suspension of service, how did you decide on the length of suspension?
61. How often is the cap enforced? On a monthly basis what percentage of customers trigger the cap? What is the average penalty incurred by those customers? Is the penalty ever waived? If so, how often? Under what conditions? Why is it appropriate to waive the penalty under those conditions?
62. How is the cap evaluated? Presumably, the cap was imposed to address a problem or a set of problems. How well is the cap addressing those problems? How often do you evaluate the effectiveness of the cap? What metrics do you use in that evaluation? What is done with the information obtained during the evaluation?
63. What might cause the data caps to change? Why would the allowance be increased or decreased? Why would the type of penalty change?

Thank you in advance for taking the time to answer these questions.

Sincerely,

Gigi B. Sohn
President and CEO