

Clearing up the Senate's confusion on FCC privacy rules

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At an oversight hearing on Wednesday, the Senate Commerce Committee confronted Federal Communications Commission Chairman Pai with questions over last week's partial stay of the commission's broadband privacy order. While privacy rules are certainly highly complicated, comments from some senators telegraphed a fundamental misunderstanding of what has been done to date to protect consumers, and given the current ecosystem, what the FCC's proper role should be going forward.

For instance, Democratic Massachusetts Sen. Edward Markey framed the unprecedented expansion of FCC authority over ISPs as exactly the obverse of reality: "The privacy rules that are on the books aren't cumbersome. They're not complex or complicated. They're common sense."

But the rules he refers to are neither well established nor rooted in common sense.

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