

# United States Senate

WASHINGTON, DC 20510

November 15, 2018

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

Dear Mr. Stephenson:

We write to express our concern that mobile carriers may be inappropriately throttling and prioritizing internet traffic from common mobile apps without the knowledge of their customers. Through the use of the app Wehe, researchers recently identified numerous instances of cellular providers throttling video and communications services.<sup>1</sup> Such practices would violate the principles of net neutrality and unfairly treat consumers who are unaware that their carriers are selecting which services receive faster or slower treatment. All online traffic should be treated equally, and internet service providers should not discriminate against particular content or applications for competitive advantage purposes or otherwise. In light of this study, we write to ask you about your policies regarding the treatment of internet traffic.

Researchers developed the app Wehe to detect when an internet service provider treats a service differently than others.<sup>2</sup> A study conducted by the researchers from Wehe shows that nearly every cellular internet service provider in the United States throttles at least one streaming video provider.<sup>3</sup>

- Wehe tests indicated throttling on AT&T for YouTube, Netflix, and NBC Sports.
- Wehe tests indicated throttling on Verizon for Amazon Prime, YouTube, and Netflix.
- Wehe tests indicated throttling on Sprint for YouTube, Netflix, Amazon Prime, and Skype video calls.
- Wehe tests indicated delayed throttling, or boosting, on T-Mobile for Netflix, NBC Sports, and Amazon Prime by providing unthrottled streaming at the beginning of the connection, and then subsequently throttling the connection.

Given these allegations, we request a written response to the following questions:

Does your company engage in throttling or prioritization of applications or services for any of its plans or customers? If so,

---

<sup>1</sup> *Executive Summary*, Wehe, <https://dd.meddle.mobi/USStats.html> (accessed Nov. 8, 2018).

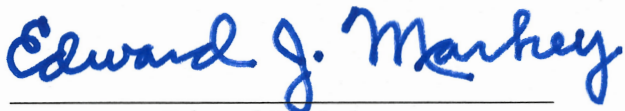
<sup>2</sup> Olga Kharif, *Sprint Is Throttling Microsoft's Skype Service, Study Finds*, Bloomberg (Nov. 8, 2018), <https://www.bloomberg.com/news/articles/2018-11-08/sprint-is-throttling-microsoft-s-skype-service-study-finds>.

<sup>3</sup> *Executive Summary*, *supra* note 1.

- a. Please provide a list of all applications or services that are subject to traffic discrimination.
- b. When did your company put into practice policies to throttle or prioritize internet traffic for consumers? What is the purpose of these policies?
- c. Do you inform customers about differentiation in the treatment of internet traffic, particularly video or communications services? If so, how? If no, why not?
- d. Are consumers able to opt-in or opt-out of traffic differentiation? Does a customer's choice change the price or affect their service, such as data allocation or requiring a different plan?
- e. Does your company implement traffic differentiation policies based on a consumers' contract or the brand of service? If so, please describe which plans experience throttling or prioritization, including prepaid and lower-cost plans.
- f. How do you determine which network traffic receives faster or slower treatment? Is it based on content, behavior, or IP address?
- g. Are applications or services provided notice regarding the throttling of their customers using your network? Does your company provide such companies the ability to avoid traffic discrimination, and if so, under what financial and operational conditions?
- h. Does your company engage in throttling or prioritization of services for subscribers of Mobile Virtual Network Operators (MVNOs) that use your company's network? Are these MVNOs aware of such throttling or prioritization?

Thank you for your attention to this important matter. We respectfully request a written response by December 6, 2018.

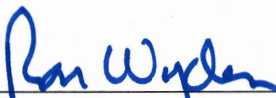
Sincerely,



Edward J. Markey  
United States Senator



Richard Blumenthal  
United States Senator



Ron Wyden  
United States Senator

# United States Senate

WASHINGTON, DC 20510

November 15, 2018

Mr. Michel Combes  
Chief Executive Officer  
Sprint Corporation  
6200 Sprint Pkwy.  
Overland Park, KS 66251

Dear Mr. Combes:

We write to express our concern that mobile carriers may be inappropriately throttling and prioritizing internet traffic from common mobile apps without the knowledge of their customers. Through the use of the app Wehe, researchers recently identified numerous instances of cellular providers throttling video and communications services.<sup>1</sup> Such practices would violate the principles of net neutrality and unfairly treat consumers who are unaware that their carriers are selecting which services receive faster or slower treatment. All online traffic should be treated equally, and internet service providers should not discriminate against particular content or applications for competitive advantage purposes or otherwise. In light of this study, we write to ask you about your policies regarding the treatment of internet traffic.

Researchers developed the app Wehe to detect when an internet service provider treats a service differently than others.<sup>2</sup> A study conducted by the researchers from Wehe shows that nearly every cellular internet service provider in the United States throttles at least one streaming video provider.<sup>3</sup>

- Wehe tests indicated throttling on AT&T for YouTube, Netflix, and NBC Sports.
- Wehe tests indicated throttling on Verizon for Amazon Prime, YouTube, and Netflix.
- Wehe tests indicated throttling on Sprint for YouTube, Netflix, Amazon Prime, and Skype video calls.
- Wehe tests indicated delayed throttling, or boosting, on T-Mobile for Netflix, NBC Sports, and Amazon Prime by providing unthrottled streaming at the beginning of the connection, and then subsequently throttling the connection.

Given these allegations, we request a written response to the following questions:

Does your company engage in throttling or prioritization of applications or services for any of its plans or customers? If so,

---

<sup>1</sup> *Executive Summary*, Wehe, <https://dd.meddle.mobi/USStats.html> (accessed Nov. 8, 2018).

<sup>2</sup> Olga Khariif, *Sprint Is Throttling Microsoft's Skype Service, Study Finds*, Bloomberg (Nov. 8, 2018), <https://www.bloomberg.com/news/articles/2018-11-08/sprint-is-throttling-microsoft-s-skype-service-study-finds>.

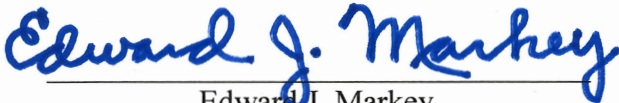
<sup>3</sup> *Executive Summary*, *supra* note 1.



- a. Please provide a list of all applications or services that are subject to traffic discrimination.
- b. When did your company put into practice policies to throttle or prioritize internet traffic for consumers? What is the purpose of these policies?
- c. Do you inform customers about differentiation in the treatment of internet traffic, particularly video or communications services? If so, how? If no, why not?
- d. Are consumers able to opt-in or opt-out of traffic differentiation? Does a customer's choice change the price or affect their service, such as data allocation or requiring a different plan?
- e. Does your company implement traffic differentiation policies based on a consumers' contract or the brand of service? If so, please describe which plans experience throttling or prioritization, including prepaid and lower-cost plans.
- f. How do you determine which network traffic receives faster or slower treatment? Is it based on content, behavior, or IP address?
- g. Are applications or services provided notice regarding the throttling of their customers using your network? Does your company provide such companies the ability to avoid traffic discrimination, and if so, under what financial and operational conditions?
- h. Does your company engage in throttling or prioritization of services for subscribers of Mobile Virtual Network Operators (MVNOs) that use your company's network? Are these MVNOs aware of such throttling or prioritization?

Thank you for your attention to this important matter. We respectfully request a written response by December 6, 2018.

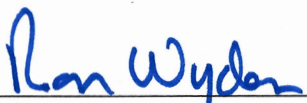
Sincerely,



Edward J. Markey  
United States Senator



Richard Blumenthal  
United States Senator



Ron Wyden  
United States Senator



# United States Senate

WASHINGTON, DC 20510

November 15, 2018

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

Dear Mr. Legere:

We write to express our concern that mobile carriers may be inappropriately throttling and prioritizing internet traffic from common mobile apps without the knowledge of their customers. Through the use of the app Wehe, researchers recently identified numerous instances of cellular providers throttling video and communications services.<sup>1</sup> Such practices would violate the principles of net neutrality and unfairly treat consumers who are unaware that their carriers are selecting which services receive faster or slower treatment. All online traffic should be treated equally, and internet service providers should not discriminate against particular content or applications for competitive advantage purposes or otherwise. In light of this study, we write to ask you about your policies regarding the treatment of internet traffic.

Researchers developed the app Wehe to detect when an internet service provider treats a service differently than others.<sup>2</sup> A study conducted by the researchers from Wehe shows that nearly every cellular internet service provider in the United States throttles at least one streaming video provider.<sup>3</sup>

- Wehe tests indicated throttling on AT&T for YouTube, Netflix, and NBC Sports.
- Wehe tests indicated throttling on Verizon for Amazon Prime, YouTube, and Netflix.
- Wehe tests indicated throttling on Sprint for YouTube, Netflix, Amazon Prime, and Skype video calls.
- Wehe tests indicated delayed throttling, or boosting, on T-Mobile for Netflix, NBC Sports, and Amazon Prime by providing unthrottled streaming at the beginning of the connection, and then subsequently throttling the connection.

Given these allegations, we request a written response to the following questions:

Does your company engage in throttling or prioritization of applications or services for any of its plans or customers? If so,

---

<sup>1</sup> *Executive Summary*, Wehe, <https://dd.meddle.mobi/USStats.html> (accessed Nov. 8, 2018).

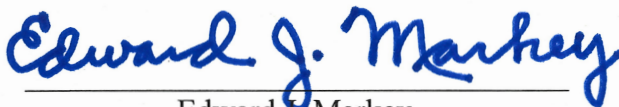
<sup>2</sup> Olga Kharif, *Sprint Is Throttling Microsoft's Skype Service, Study Finds*, Bloomberg (Nov. 8, 2018), <https://www.bloomberg.com/news/articles/2018-11-08/sprint-is-throttling-microsoft-s-skype-service-study-finds>.

<sup>3</sup> *Executive Summary*, *supra* note 1.

- a. Please provide a list of all applications or services that are subject to traffic discrimination.
- b. When did your company put into practice policies to throttle or prioritize internet traffic for consumers? What is the purpose of these policies?
- c. Do you inform customers about differentiation in the treatment of internet traffic, particularly video or communications services? If so, how? If no, why not?
- d. Are consumers able to opt-in or opt-out of traffic differentiation? Does a customer's choice change the price or affect their service, such as data allocation or requiring a different plan?
- e. Does your company implement traffic differentiation policies based on a consumers' contract or the brand of service? If so, please describe which plans experience throttling or prioritization, including prepaid and lower-cost plans.
- f. How do you determine which network traffic receives faster or slower treatment? Is it based on content, behavior, or IP address?
- g. Are applications or services provided notice regarding the throttling of their customers using your network? Does your company provide such companies the ability to avoid traffic discrimination, and if so, under what financial and operational conditions?
- h. Does your company engage in throttling or prioritization of services for subscribers of Mobile Virtual Network Operators (MVNOs) that use your company's network? Are these MVNOs aware of such throttling or prioritization?

Thank you for your attention to this important matter. We respectfully request a written response by December 6, 2018.

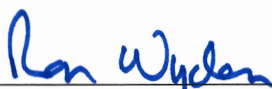
Sincerely,



Edward J. Markey  
United States Senator



Richard Blumenthal  
United States Senator



Ron Wyden  
United States Senator

# United States Senate

WASHINGTON, DC 20510

November 15, 2018

Mr. Hans Vestberg  
Chief Executive Officer  
Verizon Communications Inc.  
1095 Avenue of the Americas  
New York, NY 10013

Dear Mr. Vestberg:

We write to express our concern that mobile carriers may be inappropriately throttling and prioritizing internet traffic from common mobile apps without the knowledge of their customers. Through the use of the app Wehe, researchers recently identified numerous instances of cellular providers throttling video and communications services.<sup>1</sup> Such practices would violate the principles of net neutrality and unfairly treat consumers who are unaware that their carriers are selecting which services receive faster or slower treatment. All online traffic should be treated equally, and internet service providers should not discriminate against particular content or applications for competitive advantage purposes or otherwise. In light of this study, we write to ask you about your policies regarding the treatment of internet traffic.

Researchers developed the app Wehe to detect when an internet service provider treats a service differently than others.<sup>2</sup> A study conducted by the researchers from Wehe shows that nearly every cellular internet service provider in the United States throttles at least one streaming video provider.<sup>3</sup>

- Wehe tests indicated throttling on AT&T for YouTube, Netflix, and NBC Sports.
- Wehe tests indicated throttling on Verizon for Amazon Prime, YouTube, and Netflix.
- Wehe tests indicated throttling on Sprint for YouTube, Netflix, Amazon Prime, and Skype video calls.
- Wehe tests indicated delayed throttling, or boosting, on T-Mobile for Netflix, NBC Sports, and Amazon Prime by providing unthrottled streaming at the beginning of the connection, and then subsequently throttling the connection.

Given these allegations, we request a written response to the following questions:

Does your company engage in throttling or prioritization of applications or services for any of its plans or customers? If so,

---

<sup>1</sup> *Executive Summary*, Wehe, <https://dd.meddle.mobi/USStats.html> (accessed Nov. 8, 2018).

<sup>2</sup> Olga Kharif, *Sprint Is Throttling Microsoft's Skype Service, Study Finds*, Bloomberg (Nov. 8, 2018),

<https://www.bloomberg.com/news/articles/2018-11-08/sprint-is-throttling-microsoft-s-skype-service-study-finds>.

<sup>3</sup> *Executive Summary*, *supra* note 1.



- a. Please provide a list of all applications or services that are subject to traffic discrimination.
- b. When did your company put into practice policies to throttle or prioritize internet traffic for consumers? What is the purpose of these policies?
- c. Do you inform customers about differentiation in the treatment of internet traffic, particularly video or communications services? If so, how? If no, why not?
- d. Are consumers able to opt-in or opt-out of traffic differentiation? Does a customer's choice change the price or affect their service, such as data allocation or requiring a different plan?
- e. Does your company implement traffic differentiation policies based on a consumers' contract or the brand of service? If so, please describe which plans experience throttling or prioritization, including prepaid and lower-cost plans.
- f. How do you determine which network traffic receives faster or slower treatment? Is it based on content, behavior, or IP address?
- g. Are applications or services provided notice regarding the throttling of their customers using your network? Does your company provide such companies the ability to avoid traffic discrimination, and if so, under what financial and operational conditions?
- h. Does your company engage in throttling or prioritization of services for subscribers of Mobile Virtual Network Operators (MVNOs) that use your company's network? Are these MVNOs aware of such throttling or prioritization?

Thank you for your attention to this important matter. We respectfully request a written response by December 6, 2018.

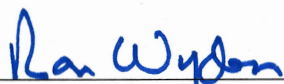
Sincerely,



Edward J. Markey  
United States Senator



Richard Blumenthal  
United States Senator



Ron Wyden  
United States Senator