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## United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

January 29, 2015

Mr. Lowell C. McAdam  
Chairman and Chief Executive Officer  
Verizon Communications Inc.  
140 West Street  
New York, New York 10007

Dear Mr. McAdam:

We are writing to you to express our deep concern over news reports that Turn, a third-party online advertising company, has been exploiting mobile tracking technology Verizon uses to monitor online activity of its 100 million wireless customers. The use of these so-called “supercookies,” which smartphone users cannot delete, and their potential misuse and abuse by advertisers and other third parties raise very serious privacy questions.

Specifically, Turn reportedly found a way to use Verizon’s supercookies to covertly track smartphone users Internet visits, even after the users had deleted records of their online activity. As a result, Turn continued to collect customer data and monitor their online activities without their knowledge or consent. While we understand that Turn has suspended its utilization of Verizon’s supercookies, such a practice, if true, would seemingly constitute a deliberate circumvention of customer choice and a violation of consumer privacy.

Consumer privacy has long been a priority of the Commerce Committee, which has jurisdiction over the Federal Trade Commission (FTC) and the Federal Communications Commission (FCC). Section 5 of the FTC Act broadly prohibits “unfair or deceptive acts or practices,” and numerous sections of the Communications Act, including section 222, protect consumer privacy by restricting the use and disclosure of customer information. As a majority of Americans are turning to their mobile devices to access the Internet, it is even more critical that we remain vigilant in protecting the privacy of consumers when they use their smartphones.

While Verizon allows customers to affirmatively prohibit the sharing of information collected by these supercookies, it does not allow customers to remove the supercookies altogether, doing nothing to stop third parties from exploiting their existence. Because of the threats to consumer privacy, AT&T wisely discontinued the use of similar mobile trackers, while Verizon has chosen to carry on.

Within this context, we request that you answer the following questions:

Mr. Lowell C. McAdam

January 29, 2015

Page 2 of 2

- 1) When did Verizon learn that Turn was using Verizon's persistent, network-based mobile tracker to regenerate deleted cookies?
- 2) Are Verizon officials aware of other online third parties that are using this persistent mobile tracker for similar purposes?
- 3) What, if any, information and disclosures does Verizon provide its wireless customers about how third-party companies use or can use Verizon's mobile tracker? How has the policy changed, if at all, given press accounts about Turn?
- 4) Does Verizon intend to continue the use of its mobile tracker? If so, what steps will the company take to protect consumer choice and prohibit similar violations of their privacy, both from Verizon itself and from third-party companies?

Thank you for your prompt attention to this matter.

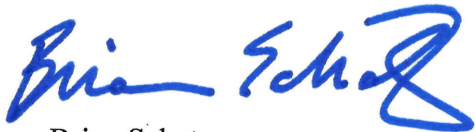
Sincerely,



Bill Nelson  
Ranking Member



Richard Blumenthal  
Ranking Member, Subcommittee on  
Consumer Protection, Product Safety,  
Insurance, and Data Security



Brian Schatz  
Ranking Member, Subcommittee on  
Communications, Technology,  
Innovation, and the Internet



Edward J. Markey  
Member