

**Departure Statement
of
Commissioner Gloria Tristani
Federal Communications Commission
September 7, 2001**

During the last four years it has been a privilege to serve as a member of the FCC, responsible for implementing the statute that governs the nation's communications industry. I am grateful for the opportunity to have served the public in this role. I am proud to have focused on three main goals in furthering the public interest: ensuring that all Americans have access to the benefits of the Information Age; protecting consumers and safeguarding children; and promoting diversity of viewpoints in the media.

Ensuring that All Americans Have Access to the Benefits of the Information Age

Universal Service. The goal of Universal Service, as directed by the Communications Act ("Act"), is to ensure that all Americans have quality service at just and reasonable rates. During my tenure, I have served on the Federal State Joint Board on Universal Service, which along with the Commission has addressed numerous Universal Service issues. The country faces very important issues on the future provision of telecommunications service to all Americans. Two key issues are currently before the Joint Board: (1) revisiting what should be considered basic services entitled to Universal Service support in our changing technological world; and (2) how the Commission ensures that low-income support programs continue to be accessible to those consumers that need the assistance. In particular, it is imperative to address the eligibility requirement issues expeditiously. The Commission has tied eligibility for its low-income programs to participation in other federal low-income programs. While this arrangement is efficient, changes in these other federal low-income programs are removing eligibility for FCC low-income assistance based on non-income related reasons.

E-Rate Program. Technology has become an integral part of education in the United States. The ability of all schools, but in particular schools and libraries in low-income and rural areas, to access technology for educational purposes is restricted by high costs and limited budgets. Through the use of discounts, the E-rate provides over \$2 billion of support each year to our nation's schools and libraries, providing students with access to the Internet to enhance their education and helping to close the digital divide. Our nation's neediest schools and libraries have come to rely on this program to provide them with the means to access information tools that are adding real value to our children's education. It is critical for the Commission to continue to fund the E-Rate at the maximum level of \$2.25 billion per year.

Native American Initiative. While 94 percent of Americans enjoy phone service today, just 47 percent of Indian tribal households on tribal lands have telephones. History, notions of equality, and the principles on which this Nation was founded tell us that is

unconscionable that Indians, the first Americans, remain the last Americans to enjoy the wonders and benefits of the Information Age. I am very pleased that during my tenure the Commission has aggressively sought to rectify this injustice. Last year the FCC adopted an enhanced Lifeline and Link-Up program to provide consumers on tribal lands with additional assistance. We added bidding credits for winning bidders in wireless auctions that promise to offer service on tribal lands. We also adopted a policy statement affirming our commitment to promote a government-to-government relationship between the FCC and federally-recognized Indian Tribes. We followed up this commitment with an annual conference that reaches out to tribal leaders and others to provide information on increasing telephone penetration on tribal lands. The second annual conference will be held later this month. This ongoing outreach is a significant accomplishment and must continue. In order to live up to the goal of its policy statement, the Commission must also act expeditiously on matters that affect the ability of providers that offer service to underserved areas to benefit from the assistance that has been set aside for this purpose.

Improving Access for Americans with Disabilities. Historically, access to telecommunications for Americans with disabilities has been in a constant state of catch-up to what is readily available to the vast majority of Americans. Section 255 of the Act gives the Commission direction with regard to protecting the rights of Americans with disabilities. I am proud that we established rules requiring telecommunications products and services to be made accessible to persons with disabilities. The Commission still has to decide how the obligations outlined in section 255 apply to telecommunications services provided over the Internet, and to computer equipment that is used for telecommunications services. While these are tough questions, the longer the issues remain open, the harder the answers may become. A failure to establish disabilities access requirements as products and services develop will lead to a lack of availability of comparable services and equipment. As the world of telecommunications options is evolving, Americans with disabilities should not be left behind.

Expanding Access to Advanced Services. Access to broadband services can fundamentally change the way we live and learn. Section 706 of the Act mandates that the Commission ensure widespread availability of advanced telecommunications services to all Americans. The Commission is directed to monitor the deployment of advanced services, report on its findings, and take action where it finds that such deployment is not occurring in a timely fashion. We have released two reports, and are in the Notice of Inquiry stage of our third reporting cycle. Our second 706 report identified certain groups of Americans to which advanced services were not being deployed in a timely basis -- consumers living in rural and low-income areas, as well as minorities. The Commission needs to ensure that there isn't a digital broadband divide.

Protecting Consumers and Safeguarding Children

Consumer Protection – Slamming. Competition can deliver to American consumers innovative services and lower prices. Competition can also deliver such deceptive practices as slamming, which is the unauthorized switching of a consumer's local or long

distance carrier. For many years, slamming has been the number one consumer complaint. We adopted aggressive new slamming rules and entered into a cooperative enforcement program with the states. Our new rules went into effect in November of last year, and the incidences of slamming have been reduced significantly. It is a definite win for consumers, and it exemplifies the value of sharing enforcement responsibilities and working with state commissions to resolve common consumer problems. The Commission needs to continue these strong enforcement efforts.

Public Safety Communications. The safety of life and property often clings to a thin thread – the thread of a consistent, accurate and reliable communications system. For public safety workers who risk their lives every day, their radios are a lifeline connection. They are the link for mission-critical communications – for life-saving information, for back-up, and for a coordinated response to crises. Indeed, there is nothing that so clearly embodies the public interest as public safety. Some public safety spectrum is currently subject to interference, and while the Commission has taken some steps to address these concerns, it needs to consider creative solutions to eliminate disruptions to this critical communications link. In addition, Congress identified a new 24 megahertz of spectrum dedicated to public safety use, and in the last two years the Commission has taken steps to provide public safety with access to this spectrum. This historic allocation, however, is not enough to provide needed basic communications and broadband applications. The Commission must identify additional spectrum to carry forward the public safety mission.

Wireless E-911. For citizens in danger, a 911 call may be the difference between life and death. Everyday, more and more Americans are using their mobile phones to call 911 and request emergency aid. Nearly 140,000 wireless 911 calls are made daily, or 96 calls per minute, and in some communities wireless calls amount to half of all 911 calls. Unfortunately, wireless 911 calls today provide limited or no information regarding the location of the caller. As we are all too aware, this lack of location information can lead to tragic results that otherwise might be averted. In 1999 we adopted rules to ensure that this information is available. As deployment deadlines loom, the ultimate goal must be to ensure deployment of E911 solutions that provide public safety agencies with meaningful location information so they, in turn, can better serve the American public in times of emergency.

V Chip. As a result of Congressional action and FCC implementation, parents that buy televisions today have the ability to block programming that they believe is inappropriate for their children. I have been honored to serve as Chair of the FCC's V Chip Task Force since its creation in May of 1999. The Task Force has worked with broadcast and cable networks, program producers, television set manufacturers, and children's advocates to ensure each did their part so that parents would have this valuable tool to help protect their children from inappropriate material. Today, the greatest barrier to the complete success of the V Chip is the lack of public awareness about the V Chip. I urge my colleagues and the industry to use their very best efforts to bring attention to the availability of the V Chip and the value it can provide to American families.

Broadcast Indecency. In fierce competition for ratings, broadcasters are increasingly resorting to violent and sexually-oriented programming. The Commission needs to get serious about enforcing the law enacted by Congress to limit indecent material on the airwaves that reaches our children. The courts have repeatedly held that the Commission's indecency enforcement activities do not violate broadcasters' First Amendment rights because our rules are designed to protect children. Indecency enforcement can require the agency to make difficult judgment calls regarding language and context, but that is no reason for the Commission to shrink from enforcing the law. A good place to start would be making the complaint process more consumer-friendly.

Children's Television Requirement. In 1990, Congress passed a law requiring the FCC to consider the extent of children's programming when a television stations requests a license renewal. The FCC subsequently adopted minimum children's programming requirements. This rule creates an important set-aside to ensure that television stations aired a minimal amount of educational programming for children. While I believe this programming requirement is important, the FCC's enforcement of these rules has been uneven at best. Now that broadcasters have begun reporting quarterly to the FCC on the amount of children's programming they air and how often they preempt these programs, the Commission should use this information to ensure that broadcasters meet the requirements as intended by Congress. In particular, television stations should not be allowed to preempt regularly-scheduled children's programming to such an extent that the purpose of the children's requirement is essentially nullified.

Promoting Diversity of Viewpoints

Low Power Radio. In 2000, the Commission created a new class of radio licenses called low power FM. Low power is a 3.5 – 5 mile range service available only to non-profit community groups. I strongly supported that action because it was aimed at increasing access to the airwaves by smaller community-oriented groups. In a time when the national radio market has consolidated significantly, low power radio will hopefully strengthen diversity and localism on the airwaves. The Commission has accepted license applications and has already granted more than 100 construction permits for low power FM stations. I look forward to having these and other applicants on the air in the near future.

Media Ownership Limits. Perhaps the most significant issue facing the Commission in the coming months and years is continued consolidation in media ownership. Virtually all of the major media ownership limits will be reviewed. The existing rules help preserve a diversity of information sources which is essential to the functioning of our democratic form of government. The ownership limits also encourage localism, long a hallmark of the broadcasting industry in particular. I urge the Commission to renew its commitment to these principles as it undertakes rulemakings and reviews media merger applications.

Minorities in the Media. It is important that broadcast television increase the participation of minorities both in front of, and behind, the camera. Children often find role models on television, and the absence -- or misportrayal -- of minorities, especially Hispanics, on prime time broadcast television is not acceptable. The minority population in the United States continues to increase in percentage terms, yet broadcasters persist in under-representing them in prime time programming.

With regard to minorities in broadcast business generally, I was very disappointed by the recent court decision striking down the FCC's EEO rules. The various outreach options embodied in those rules are essential to ensuring that broadcasters take steps to recruit minority candidates. I hope the Commission will appeal the D.C. Circuit's decision and obtains a reversal from the Supreme Court. I firmly believe that minority participation in all levels of broadcasting companies will increase opportunities in front of the camera.

The decisions the FCC will make on the issues raised above will have lasting impact on our lives and on our democracy.