

STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL

Re: *Fostering Innovation and Investment in the Wireless Communications Market, GN Docket No. 09-157; A National Broadband Plan For Our Future, GN Docket No. 09-51*

I congratulate Ruth Milkman and the Wireless Bureau team, as well as Julie Knapp and the fine folks in the Office of Engineering & Technology, for their work on this thoughtful, comprehensive notice. As our inquiry acknowledges, the Commission's policies in the wireless sector have helped encourage and enable the innovation that defines today's wireless marketplace. Likewise, policies that foster continued innovation have spurred capital investment in wireless and brought advanced services to American consumers.

Furthermore, according to the *Thirteenth Wireless Competition Report*, released by our Wireless Telecommunications Bureau in January, 2009, more than 95 percent of the U.S. population is able to choose among at least three mobile service providers, and more than 60 percent is able to choose among at least five competing providers. At the same time, more competition is coming over the horizon with the build out of the AWS-1, 700 MHz, white spaces, and more. Prices have been decreasing, while functionality, innovation and choice have been increasing. As a result, wireless technology has penetrated broadly and quickly across America.

Even at present, in the midst of the worst economy in decades – an economy that seems only to shrink – the communications sector, which includes wireless technologies and services, intends to plow as much as \$80 billion this year alone into capital expenditures that are making broadband services faster, more available, and more affordable. Few, if any, sectors can make such a claim. In short, the phenomenal success of the wireless sector shows how well a light regulatory touch works.

While today we unanimously support the Commission seeking to develop a framework for analyzing wireless innovation, and the relationship between innovation and investment, where we go from here is not yet clear. But where we have *been* is clear: The Commission's longstanding policy to allow competitive market forces, rather than command-and-control regulations, to foster the development of and investment in wireless networks and services has led to remarkable advances. Thus, I hope that we will proceed with care; mindful that any future action we consider should aim to *attract* more private investment capital, rather than deter it.

Finally, I want to note my preference for a more pragmatic comment period. Thirty days from the release date of the inquiry – presumably thirty days from today – in my view, does not provide parties with adequate time to collect, organize, and submit insightful information. While I appreciate the idea of including the comments filed in this proceeding in the docket associated with the National Broadband Plan, I am concerned that we may shortchange both inquiries by not allowing adequate time for meaningful input on the challenging legal and economic questions raised here.

Again, I thank the Chairman for his leadership and staff for its work. I look forward to working with you, and all interested parties, to learn more about innovation and investment in the wireless marketplace.