

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *A National Broadband Plan for Our Future, GN Docket No. 09-51.*

At the outset, I want to express my gratitude to the entire OBI team and the Bureaus and offices for completing this mammoth task. For far too long we have lacked a comprehensive vision for achieving universal broadband deployment and adoption, and for how we could create an environment wherein all Americans could seize the tremendous opportunities afforded by broadband. You have met this challenge by delivering such a vision, and I commend you all on your extraordinary efforts in getting us there.

While each member of the team deserves credit for their role in putting together the Plan, I want to thank, in particular, Brian David, Dr. John Horrigan, and Elise Kohn from the Adoption and Use Team, as well as Nick Sinai from the Energy Team. Each of you spent countless hours with me and my staff over the past seven months. Your patience, thoroughness, and hard work undoubtedly produced a superior Plan, and I thank you for your service.

Before I offer some thoughts on the substantive aspects of the Plan, I first want to address what is at stake for the Commission going forward. You see, now that we actually have a National Broadband Plan, our work is just beginning. The Plan lays out a strong roadmap, and it is now our responsibility as a Commission to put those words on the page into action.

While there are many positives about where we stand today, there is clearly room for improvement. For example:

- In the almost nine years since the tragic events of September 11, 2001, we are no closer to a nationwide, inter-operable, public-safety network.
- Nearly one-third of Americans – or 93 million – have not adopted broadband at home, meaning they cannot easily apply for most jobs offered by Fortune 500 companies, nor take advantage of essential educational, health care, or small business opportunities available on the Internet.
- An apparent lack of meaningful competition in the broadband ecosystem has consumers in the crosshairs, giving the handful of providers the power to raise rates – even on those who can least afford it – seemingly at will.

This Plan is being unveiled at a crossroads in our Nation's telecom policy. Down one path, we could fall prey to the familiar bureaucratic tendency to grind things to a halt, search for reasons to say "no", and fail to take any meaningful action. Down another path, we could tackle the challenge before us, fostering competition to encourage innovation and investment, working towards universal access and digital literacy, and enabling our first responders to protect and defend our country during the moments that call for emergency communications.

Let there be no doubt that the only responsible option is the latter path. We must not succumb to the threats of special interests or the familiar blanket assertions that all government involvement is negative. Now is the time to be bold, and we owe it to all Americans to step up to the challenge and seize the moment.

The Plan before us today is an impressive piece of work, and is the result of unprecedented openness and transparency. While there are a number of exciting ideas in the Plan

– such as making broadband speeds transparent, creating the Federal Tribal Broadband Initiative, and undertaking set-top box reform – I would like to touch on several areas in particular which I believe necessitate immediate action.

Adoption – Universal Service

Last week at the Digital Inclusion Summit, I spoke at some length about the importance of broadband adoption. We can deploy broadband to every corner of the country, but if we do not have near universal adoption, that deployment will be in vain. Moreover, if we sit back and do nothing, we will be supporting the development of a long-lasting underclass of those who do not have access to the most basic needs – government programs, job applications, and essential health care and education solutions.

One crucial aspect of broadband adoption is making broadband affordable. There is no question that for some Americans, the cost of broadband puts the technology out of reach. This is where the Universal Service Fund must play an integral role.

The Plan’s three-stage process to transition universal service support from narrowband to broadband within ten years is visionary. As I have stated, action by the FCC on this score is long overdue. The Universal Service Fund is the primary vehicle by which we can deliver on the promise of affordable broadband service, at comparable speeds, for Americans no matter where they live or how much money they make.

The Plan is absolutely correct that we must assess and adjust every aspect of the current USF support methods, as well as the intercarrier compensation system. We must consider all the costs incurred to provide broadband – including middle mile – as well as the revenues derived from broadband networks and adjust our support mechanisms accordingly. We also need to expand the base of contributions. If the system is reformed to directly support broadband service – as it should be – it is time to ask ourselves whether assessments for support should include revenues from broadband service as well. And support should be targeted to those areas – on a technology-neutral basis – where broadband deployment and service would not be economical.

Public Safety & Homeland Security

The Plan also makes great headway with one of the most important and complex issues of our time – public safety and homeland security. It provides concrete steps for a nationwide public safety wireless broadband network – one that will provide needed functionality and interoperability for the public safety community. The recommendations concerning the Emergency Response Interoperability Center and Congressional funding for the network in particular, address two of the most fundamental building blocks necessary to make this network a reality. We can no longer delay and risk the safety of all Americans.

Many of our efforts hinge on the security of the infrastructure that supports our growing cyber economy. The recommendations for a cybersecurity roadmap, certification program, outage reporting and evaluation of the resiliency of these networks, will help consumers have the information they need to ensure the security of their personal information. It will also help the Commission have the information we need to help secure our digital borders.

I should also note that the Plan’s recommendations regarding Next Generation 911 and Next Generation Alerting are vital to ensuring that as consumers’ reliance on new media expands, so does the government’s ability to communicate with them in times of emergency.

Spectrum

I applaud the team's commitment to finding innovative ways in which we can make more spectrum available over the next decade. The demands for spectrum are, and will continue to be, great. At a high level, we must set meaningful long-term goals that include both licensed and unlicensed spectrum. Goals are important so that we can make decisions over time with meaningful dialogue, and before our needs for additional spectrum become more acute. It is important that the Plan's 10-year goal is broad in scope, encompassing licensed and unlicensed as well as fixed and mobile spectrum.

There are three ideas in particular concerning spectrum that I think make good sense. First, it is important to increase transparency about spectrum. The Plan's "spectrum dashboard" is not only an abstract concept, it is a real, working platform that will change the way policymakers look at spectrum and increase public knowledge of how this valuable national asset is used. Second, the Plan's proposal to make more spectrum usable for backhaul will increase the number of competitive backhaul options in urban areas and make possible lower cost deployments in rural areas, where backhaul can be a bottleneck to Internet access. Third, I am excited about the Plan's nod towards expanding opportunities for innovative spectrum access models. Unlicensed spectrum has been a huge idea engine for this country and has created new kinds of devices and industries. Helping new technologies come to market that can access spectrum in new ways will benefit consumers and could lead to the next generation of wireless technologies.

With respect to the spectrum currently occupied by television broadcasters, I want to note a few words of caution. While the Plan acknowledges the current public interest mandates and goals of broadcast spectrum, it does not contain a rigorous analysis of the practical implications of its proposed actions on the public interest. This is a serious concern given that the broadcast spectrum is the lone spectrum through which our nation's public interest goals are effectuated.

Likewise, the Plan does not study the impact that a spectrum sell-off would have on women and minority-owned broadcast television stations. It is certainly possible, if not likely, that the stations most amenable to accept the buyout would be those few owners. It is no mystery how poorly these groups are represented among the media ownership ranks; a plan that would further decimate the prospects for women and minority owners is untenable. In my view, we may be doing the country a disservice if our actions left Americans relying on over-the-air television with only the major networks at the expense of smaller stations serving niche audiences who rely on them for their news and information.

Fortunately, the Commission is in the process of at least two inquiries that can inform our treatment of the broadcast spectrum. First, the Commission is in the throes of its quadrennial media ownership review, through which we are examining the state of the television and radio markets. In particular, the Commission is studying whether its rules promote competition and diversity in the broadcast marketplace. This inquiry will also yield a good look at the degree to which broadcasters are currently serving the public interest.

Second, the Commission recently undertook an inquiry into the future of journalism. This process hopefully will help us answer some essential questions that may shed light on contracting the broadcast spectrum. For example, what will the effect of moving this spectrum from broadcast to mobile use be on the delivery of news and information to local communities? I am very concerned about sacrificing an essential service to our communities in favor of new apps that have nothing to do with ensuring that we can have meaningful access to the news and

information critical to our daily lives. It is unclear at this point whether the Internet can currently replace these trusted sources.

I do support the Plan's efforts, however, insofar as they recognize that the broadcast spectrum is not being used efficiently across the board. If broadcasters are not using the spectrum we have given them for free, then it should be put to different use. Broadcasters must be partners in this endeavor. I look forward to working with all of the parties to develop a long-term solution that makes sense in light of all of valid concerns that have been expressed.

Competition

Finally, I would like to say a word about what is perhaps the greatest single driver of a meaningful approach to a national broadband plan: competition. Competition is the best method for ensuring better prices and services for consumers, and the ultimate incentive for investment and innovation.

If we are serious about connecting America; about leading the world technologically and economically; about ensuring that all consumers, no matter their income level or geographic location, have sufficient access to on-line services, then we should be very concerned about the competitive state of broadband service.

We need to keep our eye on the ball here because evidence in the Plan suggests that by 2012 only 15% of households will have the "luxury" of two providers offering the highest speeds of broadband service (up to 50 megabits per second). Seventy-five percent of households will have only one provider offering the highest speed. And the remainder of households will not have the highest speeds offered to them at all.

The Commission must stand ready to act where competition is lacking and be willing to use all available tools to protect consumers and to inject meaningful competition into the marketplace. Only then will consumers benefit from affordable prices, high-quality service, and innovative applications and services that improve the quality of their lives.

Conclusion

Thank you to the Chairman, his staff, the Commission staff, and the folks from OBI who worked tirelessly to produce a thoughtful and comprehensive plan for America. I look forward to being actively engaged in all of the Commission's proceedings that emanate from the Plan, and I welcome the dialogue and debate that will ensue as we seek to get this right.