

**STATEMENT OF FCC COMMISSIONER MICHAEL J. COPPS
AT “THE FUTURE OF THE INTERNET” PUBLIC HEARING
MINNEAPOLIS, MINNESOTA
AUGUST 19, 2010**

Thank you, Josh Silver, for the wonderful introduction and for all the great things you do—like founding Free Press and bringing these critical communications and media issues to the four corners of the country. Your contribution has been immense—although we still have a long ways to go. Thanks to the Main Street Project and the Center for Media Justice for co-hosting and for all the good things they do to serve the public interest.

What an honor that Senator Al Franken joins us tonight to share with us his unique and always candid and incisive insights on these issues. Who better to talk about this than someone who has been there, worked there, and has a first-person understanding of how what’s going on now affects the consumers he fights so hard for? Minnesota and the nation are fortunate to have him in the Senate. And you are fortunate to have my friend Amy Klobuchar there, too. She serves on our authorizing Senate committee and she is a champion—a true champion—in fighting for a telecommunications and media environment that will include every citizen and benefit every citizen. I am also thoroughly pleased that my FCC colleague, Mignon Clyburn, is here, too. She has already proven herself in her brief tenure at the Commission to be a strong and dedicated advocate for the public interest and someone not afraid to speak her mind. She is a great colleague. Each one of these leaders is concerned about the future of the media, the future of the Internet and the future of our country because they understand that without progressive media reform and without a progressive digital environment, the promise of broadband as a tool of new opportunity and open democracy will never be fulfilled.

Most of all, my biggest thanks go to the good citizens of the Twin Cities and surrounding areas who took the time to come here this evening to share their individual perspectives with us. I look forward to hearing your ideas—*all* your ideas—while we’re together tonight. These are important issues and your presence here inspires me not just to keep on listening, but to keep on fighting.

I think most of you understand how important the Internet and access to high-speed broadband are to the future of our country. This incredible technology intersects with just about every great challenge confronting our nation—whether it’s jobs, education, energy, climate change and the environment, news, international competitiveness, health care or equal opportunity. There’s no solution for *any* of these challenges that does not have a broadband component to it. We have a technology now with more power to bring about good than any communications advancement in all of history. The question is: will we use it in such a way as to maximize its small “d” democratic potential—or will we turn this, too, over to the special interests and gatekeepers and toll-booth collectors who will short-circuit what this great new technology can do for our country?

The Internet was born on openness, flourished on openness and depends on openness for its continued success. Easy to say—not so easy to guarantee. We must not *ever* allow the openness of the Internet to become just another pawn in the hands of powerful corporate

interests. The few players that control access to the wonders of the Internet tell us not to worry. But I am worried. How can we have any confidence that their business plans and network engineering are not going to stifle our online freedom? You know, history is pretty clear that when some special interest has control over both the content and distribution of a product or service—and a financial incentive to exercise that control—someone is going to try it. That's a monopoly or an oligopoly or whatever you want to call it—I call it a danger to America.

And the present danger is that big business will put us on the road to the cannibalization, cable-ization and consolidation of broadband and the Internet. Oh, the special interests tell us not to worry. New technologies always work for the public good. Broadcasters said just give us a ton of free spectrum—hundreds of billions of dollars as it turned out—and the airwaves would always serve the people first. You saw what happened there! Then cable came along and said they would fill the holes in the road that broadcasting ended up creating—you know what happened there when you look at the programs you get and, worse, the bills you get. In both cases, we were too quick to take their word. Now the big Internet service providers give us the same pitch: “Don't worry; be happy; we would never compromise the openness of the Internet.” After what happened to radio and television, and after what happened to cable, should we take their word? I don't think so!

What happened was that in less than a generation, a media landscape that should have been moving toward more diversity, more localism and more competition was transformed into a market controlled by a handful of players, too often providing little more than infotainment, canned music and program homogenization. Their newsrooms were shuttered, reporters were yanked off the beat and fired, and investigative journalism consigned to the endangered species list. The apologists told us this was the natural result of changes in technology and markets, and things would all work out fine in the world of new media if we just looked the other way a while longer. The facts told another story. The huge debts these mega-companies took on to curry favor with investors and hedge-fund operators overwhelmed broadcaster obligations to be good stewards of the people's airwaves. The public's right to know got lost in the frenzy of financial hyper-speculation.

I want to be fair here and not pin it all on speculators or even media companies. In fact, many broadcasters—particularly those of the smaller, independent variety—do an excellent job, against steep odds, serving the public interest and informing their communities. The problem is we—and for “we” I mean mostly the FCC—we have made it awfully difficult for such broadcasters to survive in the newly concentrated environment. First we blessed and facilitated ever more media industry consolidation by loosening our ownership rules so that fewer and fewer media giants could buy up more and more media outlets. Then, to further advance the interests of a powerful few over the interests of consumers, innovators and entrepreneurs, the Commission moved away from any real oversight of our media infrastructure by wiping the slate clean of the public interest guidelines that generations of consumers and advocates had managed to put into place against powerful industry opposition. I'm talking about things like providing real local news, reflecting the ethnic and cultural diversity of the individual markets broadcasters serve, limiting commercials and talking with listeners about the kinds of programs people really want.

Fast forward and along came the Internet. And, one more time, industry found a compliant Commission to do its work. “Here’s the idea,” they told their Commission allies. “We don’t want the next generation of telecommunications to be saddled with all those protections that consumers and advocates had fought so hard for with plain old telephones”—I’m talking about things like ensuring reasonable and comparable services and rates across the country no matter where you live, protecting privacy, supporting public safety—“so,” they went on, “why not take access to broadband out of that part of the law that protects consumers and put it in a really vague part of the statute where nothing is really guaranteed, where every protection for consumers would have to be built from the ground up, and where whenever any future Commission tries to do something positive, we can drag them into court and have a much better chance of keeping it from happening?” “Done deal,” two previous FCCs replied. “We’ll call access to the Internet an ‘information service’ instead of ‘telecommunications.’” And, presto, the deed was done. They moved it out from where it was and that meant that the safeguards that accompanied plain old telephone service would have no guaranteed place in the digital world. Can you believe it? Well, it happened—although, I should point out, only over my strong objections and those of my friend and then-colleague, Jonathan Adelstein. By the way, no other country in the world that I can find ever played a semantic game like this wherein they stopped calling “telecommunications” telecommunications, gave it a new name, and used that as the excuse to undercut how an industry meets its responsibilities to the public.

Our job now is to correct course by reclassifying broadband as the telecommunications service that it is (you know: actually call an apple an apple) and then craft rules and procedures that will protect consumers against discrimination, protect against a privatized Internet, and protect against the cannibalization, cable-ization and further consolidation of broadband technology. That doesn’t mean that every regulation that applied to a dial phone applies to access to the Internet—but it means someone has the authority to make sure our telecommunications infrastructure truly serves the people.

All this came to a head last week with an announcement by Verizon and Google. These very big, very powerful, very wealthy companies pronounced to Capitol Hill, the FCC and the public that they have now agreed upon a policy framework that will work for the benefit of the American people. Of course it wasn’t developed with input *from* the American people, but it is, they assure us, *for* the American people. It’s “trust us,” one more time. Well, you don’t have to read very far in their joint handiwork to discover that, as much as these companies say they support an open Internet, this new framework isn’t what we’ve been waiting for, not by a long shot.

In fact, the Verizon-Google Gaggle would almost completely *exclude* wireless broadband from the future of Internet openness—even though wireless is how more and more Americans will be getting their Internet access with each passing year. Don’t we want open Internet rules that apply to *all* gatekeepers? Don’t we want openness in the mobile world, too? Next, the Gaggle’s proposal would eliminate any meaningful, effective FCC oversight of the open Internet, and that means such critically-important responsibilities as the setting of standards and the swift resolution of controversies. Our function would be to do some basic monitoring, write an occasional report, get out of the way and entrust the public interest to the special interests. “Don’t worry, be happy,” they say. I say, “No thanks.”

But wait, there's more. Here's the real kicker. The Verizon-Google Gaggle wants to build a world of private Internets that would vastly diminish the centrality of the Internet that you and I know. They want a tiered Internet. "Managed services" is what they call this. "Gated communities for the Affluent" is what I call them. So, for example, a special Verizon-Google or Comcast-NBC service could come to you extra quickly, with special quality of service or priority, and thereby decrease the amount of bandwidth left for the open Internet we know today. And that also means that those of us who can't pay for higher speeds, better quality of service and special priority are relegated to second-class service. As for new competitors who might want to offer Internet access service...well, good luck. Finally, you might ask, if the big guys can build these privileged private networks, why would they bother with getting higher speeds and more bandwidth to the rest of us?

I suppose you can't blame companies for seeking to protect their own interests. But you can blame policy-makers if we let them get away with it. Deal-making between big Internet players is not policy-making for the common good. Special interests are not the public interest. Stockholders are not the only stakeholders. I will not settle—*you* should not settle—for gatekeepers of the Internet striking deals that exchange Internet freedom—yours and mine—for bloated profits on their quarterly reports to Wall Street.

You know, what I'm talking about here this evening, it isn't just something that would be nice for us, the FCC, to do. It's something we *have to do* if the enormous potential of broadband and the Internet is ever to be fully realized. And it's something we *have to do* if we are really serious about making the FCC what it was intended to be—an honest-to-goodness consumer protection agency.

We will be successful in this crucial undertaking only if truth flows out like water across the land and people understand—really understand—what's at stake here. And that depends on you as much as it depends upon Al Franken or Amy Klobuchar or Mignon Clyburn or Josh Silver or me.

Truth tells its story only when it can be heard. Powerful interests are spending millions of dollars to make sure the waters of truth don't flow on this issue. What can counter them is you. I know, Josh knows, many of you know, that citizen action—even in this age when too few people wield far too much influence—can stop them in their tracks. Citizen action can still work—I've seen it happen. But does it take work! Our history testifies to reformers, civil rights crusaders, women's rights champions, labor organizers, consumer advocates, even media-rights defenders, committing to the cause, making a difference and moving our country forward. It's never easy, but it's always necessary. This is one of those necessary times.

So don't take "No" for an answer. Don't take delay for an answer. Take action for an answer. Action NOW.

Thank you very much.