

**STATEMENT OF  
FCC COMMISSIONER MICHAEL J. COPPS  
AT “THE FUTURE OF THE INTERNET” PUBLIC HEARING  
ALBUQUERQUE, NEW MEXICO  
NOVEMBER 16, 2010**

Thank you, Amalia Deloney, for your very kind and generous introduction. Thank you to the organizations behind this meeting tonight—the Center for Media Justice that does so much for historically disenfranchised communities; the Media Literacy Project for what it is doing here in Albuquerque and elsewhere to show all our citizens how the new tools of communications can create opportunities for individuals and communities; and, of course, my old friends at Free Press for the out-front role they play in fighting for media democracy in both our traditional media and in the new world of broadband and the Internet.

Most of all, thanks to the good citizens of Albuquerque and surrounding areas for taking time from their busy schedules to join us tonight. I am a great believer in community meetings like this where we can hear from the folks on the receiving end of the media, who see first-hand what it contributes and what it falls short on, and who also live with the consequences of decisions made in Washington, DC. Too many of those decisions get made without adequate input from consumers and citizens alike. So 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 to keep on fighting.

I am also particularly grateful to delegates from the National Congress of American Indians who have taken time away from their annual convention to join us tonight. As I prepare to address the National Congress tomorrow, I am reminded that not all of our populations have access to the tools and technologies they need to thrive in the 21<sup>st</sup> Century. It’s a national disgrace, and we need to fix it. And that’s why I really want to thank Senator Udall for urging the FCC to take a really hard look at tribal issues in the National Broadband Plan. I couldn’t be more pleased that we heeded his call and mine for creating the Office of Native Affairs. To remain globally competitive, America cannot afford to have a digital divide between haves and have-nots or between those living in big cities and rural areas or tribal lands. Plus, this is not just competitiveness I’m talking about. It’s justice too long delayed for people who have been too long denied.

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 the nation—whether it’s jobs, education, energy, health care, or our civic dialogue. There is 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 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. We must *never* 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 technological capability to exercise control combines with a financial incentive to do so, some will try to turn this power and opportunity to their own advantage. The danger to our interconnected and interdependent Internet—the danger to America—is too great. Tim Wu, the Chairman of Free Press and the author of a wonderful new book, The Master Switch, relates in compelling detail how other generations of information infrastructure—radio, film, television and cable—started out promising unlimited freedom and too often ended up closed, consolidated and far short of their potential to do good. We don't need to travel that road again with the Internet—but there is lots of evidence we are doing exactly that.

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, always provide the local and diverse programming reflective of our communities. 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.

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. Newsrooms were shuttered, reporters were 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 by “we” I mean mostly the FCC—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

citizens, 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.

Now the big Internet service providers give us the same pitch: "Don't worry; 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! Today the danger is that big business will put us on the road to the cannibalization, cable-ization and consolidation of broadband and the Internet. They've already made tremendous headway on their agenda, especially at the place where I work, the Federal Communications Commission. As with those earlier generations of media, radio and TV, industry lobbyists found a compliant Commission to do their 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 protecting privacy, supporting public safety, and ensuring reasonable and comparable services and rates across the country no matter where you live. So, their reasoning went, "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'—whatever that is—instead of 'telecommunications.'" And, presto, the deed was done. They moved it out of any meaningful oversight, and away went the safeguards that accompanied plain old telephone service for our 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 semantic games 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!—so that we can protect consumers against discrimination and a privatized Internet. That doesn't mean that every regulation that applied to a dial telephone should apply to access to the Internet—but it does mean that someone has the authority to make sure our telecommunications infrastructure truly serves the people.

A short time ago two very big, very powerful, very wealthy companies pronounced to Capitol Hill, the FCC and the public that they had agreed upon a policy framework that would work for the benefit of the American people. Of course it wasn't developed with input *from* the American people, but it was, they assured us, *for* the

American people. It was “trust us,” one more time. Well, you don’t have to read very far to discover that, as much as these companies said they support an open Internet, this new framework wasn’t what we’ve been waiting for, not by a long shot.

In fact, the Verizon-Google deal would have almost completely *excluded* wireless broadband from the future of Internet openness—even though wireless is how more and more Americans will be getting access to the Internet with each passing year. Don’t we want openness in the mobile world, too? Next, the agreement would have eliminated any meaningful, effective FCC oversight to ensure that openness was maintained in broadband services. Our function would have been to do some basic monitoring, write an occasional report, get out of the way and entrust the public interest to the special interests. I tell them, “No thanks.”

But wait, there’s more. Here’s the real kicker. The world envisioned by the Verizon-Google Gaggle was one built 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.

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.

There are some who are saying that the FCC should hold our horses and wait for Congress to act. Never mind that previous Commissions never asked for permission before moving broadband out of the framework Congress designed in the first place. I don’t believe that Congress ever intended for the Federal Communications Commission not to have oversight of the communications networks in this country. We saw this fall that even with the leadership and tenacity of Chairman Waxman, moving legislation is no easy feat - and while we are waiting should we just leave consumers without a cop on the broadband beat?

What I’m talking about here this evening is not 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 is to be fully realized. And it’s something we *have to do* if we are serious about making the FCC what it was intended to be—an honest-to-goodness consumer protection agency.

To be clear, we need a policy that reclassifies these services as the telecommunications they are and then guarantees an Open internet where you can access any legal content of your choice, run the applications and attach the devices you want, enjoy the fruits of a more competitive environment, be assured of non-discrimination, and also receive maximum transparency so that you, me and the FCC can know what these companies are up to and we can do something about it when they stray over the line.

As for that traditional media I talked about earlier, we can't forget them. They still generate the vast bulk of our news and more people by far get their news from newspapers and television than from anywhere else. Truth be known, that is where most of the online news sites get the bulk of their journalism from, too. We need to turn the sham of automatic, eight-year broadcast relicensing with no questions asked into a process wherein the FCC examines whether stations are serving the public interest, reflecting the diversity of their local communities, and providing real news that people can use to make their decisions when they go to the polls. If they are, fine, renew the license. If not, give the license to someone who will. Right now we're not getting the news democracy needs to sustain itself. Oh, there are a lot of outlets and a lot of opinions. And stating opinions is fun. I have a lot of opinions and I like to express them. We're each entitled to our opinions, but we're not entitled to our own set of facts. Opinions need to be built on facts, on substance. What our traditional media suffers from too often now is a bad case of substance abuse. We need to fix that, the FCC can do it, and you ought to insist upon it.

We will be successful in this crucial undertaking only if truth flows out like water across the land, only if people understand—really understand—what's at stake here, and only if you demand action. You. Action. Now. It depends upon you as much as it depends on any of us in Washington. 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. But real citizen action can counter that—even in this age when too few people wield far too much influence. Citizen action can still work. I've seen it happen. It takes work, but we know *it can work*. Our history testifies to reformers, civil rights crusaders, women's rights champions, Native American advocates, consumer groups, disabilities activists, unions, media-rights defenders, committing to the cause, making a difference and moving our country forward. Never easy, that's for sure . . . just necessary. This is one of those necessary times. So I ask you to act like democracy depends upon what you do. Because it does.

Thank you very much.