

Statement of FCC Commissioner Mignon L. Clyburn
Senate Committee on Commerce, Science, and Transportation
Oversight of the Federal Communications Commission
Wednesday, May 16th, 2012

Good afternoon Chairman Rockefeller, Ranking Member Hutchison, and members of the committee.

When I last appeared before you, I was still within year one of my current tenure at the FCC. Since then, the Commission has, without question, experienced two very dynamic and productive years. We've issued an impressive number of rulemakings and have engaged in an incredible amount of industry and intergovernmental collaborations, resulting in a more thorough and inclusive decision-making process.

It has been said, at times, that agency over-regulation can lead to undue intrusion, which could interfere with the vibrancy of the global free market. We have been told that American ingenuity and innovation will be stifled by unnecessary and poorly targeted government rulemakings. Let me firmly state for the record that I agree with both of those assertions. In my opinion, however, one of the best ways that this regulatory body can prevent this from occurring while not abandoning our public interest obligations is by promoting robust competition throughout all communications industry sectors. The greater the number of viable competitors, the more incentives those competitors may offer consumers through better services, more product offerings, and yes, more marketplace discipline. In other words, the more robust and competitive a marketplace, the less need there is for regulation.

But the plain truth is that this marketplace nirvana does not always exist. There are times when the communications ecosystem fails to properly address current, key consumer interests. And when that occurs, the Federal Communications Commission is here to play a vital role. We encourage industry to respond, in collaborative ways, to address consumer harms when appropriate, and we codify regulations through rulemakings when that pathway is warranted. I am not resistant to industry-led, voluntary solutions in some cases, because that type of engagement has the potential to give the marketplace greater flexibility to respond to evolving consumer needs in our technologically fast-paced environment. But I am also not ashamed of stating for the record that I am an advocate for smart, targeted regulatory action when necessary to promote meaningful competition in order to ensure that basic consumer protections are in place.

We have joined hands with industry and public interest advocates in tackling significant reforms of the Universal Service Fund. We are lowering the barriers to broadband adoption by partnering with industry and grass roots organizations, and we have worked with the wireless association and others to tackle consumer bill shock issues. And most recently, thanks to you and both wireless and broadcast stakeholders, we are now better equipped to address America's appetite for more mobile broadband solutions.

The Commission is moving forward to promote and encourage competition and we recognize that one of the best ways to achieve this is to repurpose more spectrum for mobile broadband services. In 2010, we adopted rule changes to allow mobile broadband service in the 2.3 GHz band. This year, we proposed changes that can similarly repurpose 40 MHz of Mobile Satellite Service spectrum for terrestrial mobile use. Our staff is also working diligently to implement the historic voluntary incentive spectrum authority that you gave us in February.

For me, however, the greatest example of our collaboration can be found in the implementation of the landmark 21st Century Communications and Video Accessibility Act, or CVAA. In conjunction with industry and consumer stakeholders, bipartisan drafters in the House and Senate put together a comprehensive bill that works toward ensuring that there is digital and technological parity for people with disabilities.

This is the most important piece of disability legislation since the passage of the Americans with Disabilities Act. It affords us stronger authority to adopt rules that will offer greater access to video programming and the most advanced voice and data services on the market, irrespective of the communications platform being used, to deliver vital services to those previously denied.

Congress provided the roadmap, then handed it off to the FCC to further coordinate and collaborate with private industry and consumers on how best to implement the parameters in a way that minimally burdens stakeholders. CVAA is an example of collaboration among Congress, the FCC, consumers, and industry at its best, and the result will be communications access to emerging technologies for 54 million Americans with disabilities.

Over the past two years, the Commission has had a number of important public safety achievements. In September of last year, the Commission initiated a rulemaking, to modernize the current voice-based 911 system to a Next Generation 9-1-1, or “NG-9-1-1” system so that the public will be able to send texts, photos, videos, and other data to emergency call centers. The FCC improved the reliability and continuity of communications by adopting outage reporting requirements for VoIP networks, and the agency is collaborating with broadband Internet Service Providers to learn more about the technical issues associated with the outages that the customers of those providers may experience. The current top priority related to public safety policy is implementing the specific mandates that Congress imposed with regard to establishing the Technical Advisory Board for First Responder Interoperability, and transitioning public safety spectrum to the First Responder Network Authority.

I am grateful for the opportunity to speak today, and I look forward to answering any questions you may have on how the FCC can continue to promote greater access to communications technologies and services for all Americans. Thank you.