

STATEMENT OF COMMISSIONER MIGNON L. CLYBURN

Re: Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, Second Report and Order, IB Docket No. 11-133.

Facilitating tower construction, providing more options for backhaul services, enabling greater use of unlicensed spectrum, promoting data roaming agreements, and repurposing spectrum for commercial broadband use -- all of these objectives and subsequent proceedings under Chairman Genachowski's leadership, are key to the realization of higher quality data services and more competitive mobile service options for consumers. But in order to take advantage of these worthwhile policies, and fuel other actions to improve their networks, providers need substantial amounts of capital investment.

Investment in wireless networks not only improves broadband capacity, and other mobile services for consumers, it fosters economic growth and job creation. A 2012 Report by the White House's Council of Economic Advisors makes clear, that investment in wireless broadband networks substantially increases out domestic economic growth. One study, cited by that Report, estimates that, from 2003 to 2009, entities invested \$11.6 billion in wireless and satellite technologies, and that infusion created over 168,000 new jobs, during that timeframe. So why should that excite us? Investment in advanced wireless networks can collectively reduce our deficit, improve public safety, and bolster our Nation's economy. That is why President Obama, in 2011, set a goal of providing 4G services to at least 98 percent of Americans by 2016 and that is why we will should and will continue to do all we can, to encourage more domestic and foreign investment in wireless networks.

As this Order explains, the process for reviewing increases of foreign interests in licensees, under Section 310(b)(4) of the Communications Act, is an area where the Commission can facilitate greater investment in mobile networks. That statute and our case precedent, requires us to ensure that certain increases in foreign investment do not adversely impact important interests such as national security, law enforcement, and public safety. But, we can substantially reduce the number of petitions and other administrative hurdles that parties incur when trying to show that increases in foreign ownership of U.S. licensees would serve the public interest.

Through the capable leadership of Mindel De La Torre, Susan O'Connell, Kate Collins, and other staff members with decades of experience in these proceedings, we have found several creative ways to exercise the discretion Congress gave us, while substantially facilitating more foreign investment in more streamlined manner. By codifying our foreign ownership policies and procedures, we are encouraging more foreign investment by providing more regulatory predictability and guidance about the information we need to review and approve these applications. We have substantially reduced the number of non-controlling foreign interests that must be reported, and removed unnecessary burdens in the filing investment applications. We have reduced the number of petitions that must be filed by eliminating the need for U.S. parent companies to return to the Commission every time an already approved foreign investor seeks to increase its interest on an incremental basis. The staff also took a prudent course, by coordinating this Order with the United States Trade Representative, Department of Homeland Security, Department of Justice, and NTIA, to ensure these rule changes would not impede those agencies from properly assessing our national interests.

Facilitating investment in our wireless licensees is a critical part of a national strategy to advance our wireless services industry and improve economic growth. These changes go a long way toward realizing this key objective and that is why, I am pleased to support this order.