

Keynote Remarks of Commissioner Mignon L. Clyburn

#Solutions2020 Policy Forum
Georgetown University Law Center
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Lucienda, Randy, Ana Maria, Nakia, Logan and Frederick . . . six of the many people I met or heard from during our #ConnectingCommunities tour, which launched last April. And while each of their paths are unlikely to ever cross, what they share is a desire for robust, affordable connectivity.

FCC Commissioners regularly leave the beltway to deliver keynote speeches, attend industry trade shows, and meet with state and local officials. But our #ConnectingCommunities tour approached things a bit differently. It was designed to listen to and build relationships with individuals, start-ups, and non-profits ... voices that far too often go unheard.

During this tour, I have officially visited communities in a total of 11 states: Arizona, California, Colorado, Massachusetts, New Mexico, New Jersey, New York, Pennsylvania, South Carolina, Washington and West Virginia, and while there are far too many stories to recount, a few have left a powerful impact on me.

- At the Perkins School for the Blind in Watertown, Massachusetts, brothers Logan and Shae demonstrated innovative ways in which off-the-shelf technologies are enabling them to communicate with increased ease, and aiding them in their quest to gain more knowledge, skills and independence.
- In San Francisco, I visited CODE2040, a non-profit focused on increasing “access, awareness, and opportunities for top Black and Latino/a engineering talent.” The meeting reinforced how much diverse, highly-qualified talent is right there in that region but going virtually unnoticed by Silicon Valley’s top companies.
- At the Charleston County Consolidated 9-1-1 Center in North Charleston, South Carolina, I learned about implementation of text-to-911, as well as their strategic plans for implementing Next Generation 9-1-1 service. Charleston County has the distinction of being among the approximately 19 percent of U.S. counties with text capability – that low percentage highlights how much more work we have to do.
- In New Mexico, I visited the Navajo Nation, where we discussed the successes of the Lifeline Program, the Tribal Mobility Fund, and how the Commission can do more to promote broadband on Native lands.
- Two weeks ago, I traveled to Morgantown, West Virginia, where I joined Senator Capito for a series of meetings focused on the intersection of broadband availability, connectivity and health. I also visited Preston Memorial Hospital, an acute care facility located in Kingwood, and discussed why broadband is needed to support patient care.

- And just last week, I went up to the Essex County Correctional Facility in Newark, New Jersey, where I met with several inmates and their families, and learned more about how prison phone reform is lowering the emotional temperature, and strengthening bonds between inmates and their families in that facility.

A Look Back in Time

Eons ago in technology years, when I joined the Commission back in 2009, we were talking about residential broadband speeds based on exceeding 200 kilobits per second (kbps) in both directions. By the FCC's own admission, a far outdated standard for the time, but it would not be until the next year that we updated our definition to download speeds of at least four megabits per second (Mbps).

I say this as a reminder, that while there is still much more work to be done, there is a lot to be proud of. Here are a few of the highlights:

- *Enactment of strong open internet rules*

It is no secret, that I have long supported a light-touch, Title II approach to broadband. I have also consistently fought for mobile parity. Whether a consumer uses a fixed or mobile broadband connection, they deserve a free and open internet. I was glad to see that approach adopted in the Order and even happier to see it upheld by the D.C. Circuit earlier this year.

- *Enhancing Access to Affordable Communications Services*

Historically, a Lifeline phone was the backstop connection for millions of low-income households, but we have also made great strides in bringing affordable broadband connectivity through merger commitments and the pending updates to the Lifeline program.

- *Inmate calling reform*

But one of the greatest injustices in the communications market I have ever witnessed is the rates that inmates and their families pay to keep in touch. While we have made meaningful inroads in reforming some of the most egregious practices in the market over the past few years, much remains to be done. I am hopeful that the more light we can shed on these practices, the more we can convince everyone, from providers to consumers, that comprehensive reforms on the federal, state and local levels are necessary.

- *Enhancing Wireless Competition through Interoperability*

Recognizing the need to bring interoperability to the lower 700 megahertz (MHz) band, I convened a group of the nation's wireless providers – both large and small, back in 2013. Ultimately, a voluntary industry solution was reached, which resolved the lack of interoperability in this part of the band, and avoided the need for a lengthy rulemaking process. As a result of this effort, there has been an explosive growth of devices that are compatible with the 700 MHz A block spectrum, and consumers in rural communities have more robust options.

- *Circulated Proposal to Eliminate Sports Blackout Rule*

As Acting Chair that same year, I proposed to eliminate the Sports Blackout rule, a four decade old practice that allowed the NFL to not carry games in a team's home market, if the

seats had not sold out within 72 hours of kickoff. Chairman Wheeler carried this proposal to the finish line, and that rule is no more.

- *Formation of the Connect2Health Task Force*

Then in 2014 at my urging, the Commission launched a Connect2Health Task Force, as a way to examine the intersection of broadband connectivity, advanced technology, and health. Most recently, we announced a broadband health mapping tool, which looks at the relationship between connectivity and health down to the county level. Now, we can more clearly identify current issues, and develop future solutions to address connectivity gaps, and promote positive health outcomes that are unique and tailor-made to each community.

- *Modernizing AM Radio*

And last October, the Commission took the first steps in nearly three decades, to revitalize AM radio stations. Thanks to the FCC's actions, over 900 applications have now been filed to relocate FM translators for AM rebroadcast use, nearly 90 percent of which have been granted by the agency's Media Bureau.

- *Infrastructure Siting*

Approving applications to site antennas and other infrastructure are difficult policy challenges for local governments. But it is one that we can successfully overcome if all stakeholders collaborate. I was particularly pleased to bring industry stakeholders to the table, to make a number of commitments that could help resource constrained municipalities transition to streamlined rules the Commission adopted in order to bring connectivity to those areas in need.

- *Enhancing Access to Diverse and Independent Programming*

And I urged the Commission in February, to launch a fact-finding effort, aimed at examining obstacles that may be preventing greater access by consumers to independent and diverse programmers. In September, the Commission adopted a Notice of Proposed Rulemaking that appropriately targets two of the worst offending practices: "unconditional" most favored nation (MFN), and unreasonable alternative distribution method (ADM) provisions.

#Solutions2020: A Forward-Looking Framework

All of this led up to this afternoon's policy forum, which we are calling #Solutions2020, because we firmly believe that we can achieve robust, affordable connectivity for all Americans, within the next four years.

A variety of innovative solutions are being presented by academics, practitioners, and other thought leaders, with the goal of pushing us across the finish line, with a laser-focus framework that prioritizes the areas of greatest need.

The six pillars I will outline, if fully implemented, will connect those digital deserts with robust, affordable communications services.

1) Ensure Affordable Communications

Lack of affordability remains one of the largest barriers to connected communities in this country, which is why I have made it the first pillar. Streamlining deployment is central to this effort. We must ensure that all providers are able to deploy and upgrade their infrastructure at the lowest cost and quickest pace. The best way to achieve this is by taking another look at the FCC regulations on pole attachments. The bipartisan legislative package, approved by the House Energy & Commerce Communications and Technology Subcommittee last year, would ensure that pole owners provide non-discriminatory access to their poles, and would make federally owned poles subject to the FCC's existing rules.

Additionally, the *Broadband Conduit Deployment Act*, which was included in the Committee's legislative package, would greatly reduce deployment costs by including broadband conduit during the construction of federal highways. This bipartisan, commonsense reform would make a big difference in our effort to bring affordable broadband to all Americans.

When we talk about affordable communications services, we cannot forget about the more than two million Americans currently serving time in our country's prisons and jails. With concerns about mass incarceration mounting, and recidivism rates reaching new heights, ensuring that inmate calling services, including video visitation communications, are offered at reasonable rates is a must. Families should not be forced to choose between day-to-day survival, and contact with their incarcerated loved ones. Legislation like the *Family Telephone Connection Protection Act*, would prescribe uniform rates and eliminate kickbacks to correctional facilities. This legislation should be considered, and quickly implemented.

2) Empowering Communities

Second, local governments, that want to bring broadband connectivity to their communities, particularly when the private sector has failed to do so, should have, that right . . . and I am not the only one who feels this way. Many Mayors across the country, including 40 who signed a letter in August, have expressed their "commitment to competition, and the right of self-determination for all our communities, free from interference." In order to empower communities, I support enactment of the *Community Broadband Act*, which preserves the local communities' right to provide their residents, who would benefit greatly, with broadband service.

3) Broadband as a Driver of Improved Health Services

Third, we must explore new ways, to ensure our nation's health facilities, are equipped with advanced broadband-enabled technologies. I support passage of the bipartisan *Reaching Underserved Rural Areas to Lead on Telehealth*, which would enable non-rural hospitals that predominately serve rural areas, to take advantage of funding from the FCC's Healthcare Connect Fund.

I also support innovative initiatives, like Project Ethan, a program established by the Houston, Texas Fire Department that is connecting the city's first responders to a call center staffed by physicians. Thanks to the power of mobile broadband and a tablet, EMTs dispatched

to a 9-1-1 call, can connect a patient with a physician through a video chat, and in just over 80 percent of the cases, eliminate the need for a costly hospital visit.

4) Promoting a More Diverse Media Landscape

Fourth, we must strive to do more when it comes to making our media landscape truly reflective of the melting pot we call America. Today, racial and/or ethnic minorities hold a majority of the voting interests in approximately six percent of full-power TV licenses and just over eight percent of commercial radio licenses.

Congress should reinstate the FCC's Minority Tax Certificate Program, which during its 17 years of existence, successfully helped to bring the most number of diverse entrepreneurs into the broadcast industry.

We also need to build a robust record of data to illustrate a comprehensive picture of today's media landscape. One place to start would be the six categories of research that commenters outlined in the recent Quadrennial Review proceeding.

We should also establish an incubator program to increase female and minority ownership. The idea put forward by the Multicultural Media, Telecom, and Internet Council (MMTC), could permit "a radio broadcaster [who] incubates a new voice, such as a minority or woman owner, in its own or a larger market, [] to acquire an additional station above the existing local ownership caps or AM/FM subcaps."

Furthermore, there needs to be an on-going dialogue on how to improve both gender and racial diversity at tech companies. I applaud and support the Equal Employment Opportunity Commission, which this week, announced the launch of a working group, to look at this very issue.

5) 5G and Beyond for All Americans

Fifth, there is a lot of buzz, around "5G" and I share this excitement. However, we must ensure, that the benefits of high-speed wireless broadband, reach all communities, including those Americans, who continue to rely on 2G service. And 5G connectivity, is largely reliant on the availability of more spectrum. This is why I support passage of the *MOBILE NOW Act*, which directs the NTIA and FCC, to free up spectrum essential to the success of 5G deployment.

Moving forward on Phase II of the Mobility Fund is also vital to financing mobile broadband facilities in rural areas that are not being covered at all, or areas where the service is second rate. We need to make sure that our universal service money is being targeted where it is most-needed to support robust service, and not to prop up competition to providers who are serving the very same area with those that receive no subsidy.

We also need to continue to identify spectrum bands that are suitable for unlicensed use. This will help foster the development of more innovations, such as TV White Spaces technology, that may benefit rural and underserved communities. Ensuring that there is sufficient spectrum

for unlicensed use in the millimeter wave bands, will further promote and encourage new and novel applications and services to the benefit of consumers.

6) Enhancing Consumer Protections

Finally, consumers deserve real transparency, when it comes to signing up for communications services. There is nothing worse, than tearing open your first month's bill, to find that you are responsible for charges that you do not understand, or were not expecting.

In order to eliminate bill shock, communications providers should step up to the plate, and voluntarily agree, to improve transparency of below-the-line-fees, so that when consumers sign up for service, either online or in-store, they will not have to wait for their first bill to learn, what their total monthly costs will be. Last week, you may have heard the FCC's Consumer Advisory Committee's (CAC) "No Surprises Task Force," put forward several recommendations, to address this very issue. I strongly urge industry, to adopt these recommendations.

The Commission should also limit pre-dispute arbitration clauses, in communications services contracts. The tide is turning against these consumer-unfriendly provisions that have already been banned by the Center for Medicaid Services, the Department of Education, the Department of Defense, and others.

This idea is teed up in our work on broadband privacy, and should be adopted first, for consumer broadband, and then, for all services sold to consumers under the FCC's jurisdiction, where we have the legal authority to do.

Conclusion

Many of the ideas presented by experts at today's forum, are a starting point, for what can be accomplished, by the end of this decade. Swift and strategic action toward implementing these policies will support the growth of our economy and greatly improve the quality of life for all Americans. That is why, by the end of the year, we will publicly release a #Solutions2020 Call to Action, to ensure the great ideas presented today will not go unnoticed.

My thanks once again, to each and every one of you, for participating in, and contributing to, #Solutions2020. I am truly grateful, for the sacrifices you made to get here, and am comfortable in assuring you that your investment will continue to pay dividends for years to come.

Only by working together, with an eye focused on the individual needs of local communities, can we deliver by 2020, robust, affordable connectivity to all Americans.

Thank you.