

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84.

As the staff outlined, this item seeks comment on several ways to streamline FCC regulations and processes, reduce unnecessary regulatory compliance costs, and promote broadband deployment.

The prior Commission frequently attempted to insert itself into technology transitions, often at the very end with little to no added value. These forays typically involved protecting obsolete or fading technologies that consumers have rapidly abandoned, applying old rules to new technologies, imposing additional hurdles and tests, and providing no assurances that applications that met requirements for supposed “streamlined” treatment would actually be granted in a reasonable timeframe. I frequently dissented from policies that impeded technology transitions and hamstrung providers without actually protecting consumers or promoting investment in new services and networks. So it should come as no surprise that I join to undo these harmful decisions now.

I am particularly encouraged to see the Commission seek comment on what amounts to disavowing the 2014 Declaratory Ruling and subsequent Order on Reconsideration, which appeared to require carriers to file section 214 discontinuance applications for services they don't even know they are offering. Instead of defining a service based on the terms of a carrier's tariff, the Commission said that it would take into account “the totality of the circumstances from the perspective of the relevant community or part of a community, when analyzing whether a service is discontinued, reduced, or impaired under section 214.”¹ In other words, a carrier has to guess how the service is being used, what the community thinks about such uses, and whether the FCC would require a filing in such instances. Such a nebulous standard appears nowhere in the Act and should be overturned posthaste.

I thank my colleagues for working with me to improve this item, and I hope we receive a robust record on these and other ideas to further reduce regulation in a manner that is consistent with our statutory authority. I vote to approve.

¹ See *Technology Transitions et al.*, GN Docket No. 13-5 et al., Notice of Proposed Rulemaking and Declaratory Ruling, 29 FCC Rcd 14968, 15017-18, para. 117 (2014) (*2014 Technology Transitions NPRM and Declaratory Ruling*).