

**DISSENTING STATEMENT OF COMMISSIONER MIGNON L. CLYBURN**

*Re: Amendments To Harmonize and Streamline Part 20 of the Commission's Rules Concerning Requirements for Licensees To Overcome a CMRS Presumption, WT Docket No. 16-240*

If the topic of Part 20 of the Commission's rules were introduced at the average American dinner table, it might go over as well as a serving of Rocky Mountain oysters. Neither would be warmly received at my home. The changes proposed in this Order -- coupled with the majority's dismantling of net neutrality -- have many unsavory implications for the future of competition policy.

As I made clear in my statement opposing the rollback of our open internet rules, I believe that the proper interpretation of Section 332 of the Communications Act is that mobile broadband internet access service should be classified as a commercial mobile radio service, or CMRS, not a private mobile radio service.

Eliminating these Part 20 rules means we will remove precedent and procedures that could help parties demonstrate that a wireless company's mobile broadband service should be classified as CMRS. I understand that some may see this as a mere streamlining of Commission rules. In my opinion, this Order removes important procedural safeguards, such as requiring the Commission to put certain applications out on public notice, which can help inform parties who are interested in challenging a company's claim that its mobile broadband internet access services should be classified as a private mobile radio service. And since that result is inconsistent with my view of the proper classification for mobile broadband services, I respectfully dissent from this Order.