

**STATEMENT OF COMMISSIONER MIGNON L. CLYBURN  
APPROVING IN PART; DISSENTING IN PART**

Re: *Encouraging the Provision of New Technologies and Services to the Public*, GN Docket No. 18-22

Thirty-five years ago, Congress amended the Communications Act to include language stating that it “shall be policy of the United States to encourage the provision of new technologies and services to the public.” This statute also provides that “the Commission shall determine whether any new technology or service proposed in a petition or application is in the public interest within one year after such petition or application is filed.” On occasion, the Commission has considered these provisions. Yet in the more than three decades since Section 7’s enactment, no Commission has attempted to develop procedural rules to implement its provisions. The reason may be that, if the agency does not carefully craft such procedures, they could result in the Commission inappropriately putting its thumb on the scale of whether a new technology succeeds or not instead of letting the market decide.

The absence of procedural rules to implement Section 7 has not impeded innovation in the technology and communications industries. Since 1983, we have seen the development of GPS-enabled smartphones, VoIP services, Bluetooth, Wi-Fi, remote monitoring, telemedicine, medical body area networks, medical micropower networks, internet-of-things, smart home technologies, connected vehicles, virtual reality, augmented reality, big data analytics, unmanned aerial vehicles, and so much more.

Although I question whether procedural rules to implement Section 7 are necessary, and whether they will actually impede rather than incent innovation, I do not object to initiating a proceeding that attempts to discern and effectuate Congress’s intent for the statute. I am disappointed, however, that a decision was made to include questions that would move the Commission away from the well-established agency practice that when a Bureau-level item is circulated on delegated authority, the request of just one Commissioner is sufficient to elevate that item to the Commission level. I believe this customary practice is an important check on new procedures that have the potential to adversely impact consumers, competition and innovation. As a result, I dissent in part from the NPRM.

I look forward to reviewing the record as it develops and thank the Office of Engineering and Technology and the other subject matter experts for their work on the Notice.