

**Remarks of FCC Commissioner Michael O’Rielly
Before the Disability Advisory Committee
April 10, 2019**

I appreciate the opportunity to speak with you this morning and share a few thoughts as you head into a long morning of introductions and examination of some of the foundational elements of the committee, which will eventually allow you to get to your new work on important communications disability-related topics.

At the outset, let me take the opportunity to thank you in advance for being willing to serve on one of our advisory committees. We realize that this role will take time away from your family and other responsibilities, and the Commission is very appreciative. For returning committee veterans, thanks for signing up to another round of pain and aggravation; for newbies, forget you heard that, as this work is all rainbows and sunshine!

When I think of FCC Advisory Committees, I’m reminded of two quotes:

- “In the Fall of 1774 and Winter of 1775, I was one of upwards of thirty, chiefly mechanics, who formed ourselves into *a committee* for the purpose of watching the movements of the British soldiers and gaining every intelligence on the movements of the Tories.” That’s Paul Revere.
- The second is by Arthur Goldberg, the famous American judge, who stated, “If Columbus had *an advisory committee* he would probably still be at the dock.”

As I see it, your goal should be to land somewhere between these two visions.

As Americans, we maintain certain obligations — some driven by law and others by our inherent morals — to help those in our nation who are mentally and physically challenged. These individuals are our brothers and sisters, mothers and fathers, sons and daughters. They are our neighbors and friends. Their burdens are our burdens, and their care is part our societal responsibility. Our role is to ensure that they have the greatest opportunity possible to flourish in society, gain lawful employment, and pursue their own happiness to the fullest extent.

The Commission has been at the forefront of helping to improve the lives of those who face certain challenges by facilitating the deployment of new communications technologies for their use. We have long supported the notion that technology truly can be the great equalizer in addressing the physical and mental limitations of those who need a bit more help or aid in their lives. As many of you know, we operate and fund the availability of several technology-driven solutions to allow disabled individuals to communicate throughout society. Our appreciation is appropriately owed to past Commissions for their foresight and commitment to this cause.

But with most good intentions come certain problems and bureaucrat challenges. The Commission’s disability spending has attracted some less reputable people who have taken advantage of our programs. Some have also preyed upon those within the disability community to gain riches while delivering empty promises, leading to waste, fraud, and abuse in the overall effort. I’m sure a higher power will catch up with them some day but that doesn’t mean we shouldn’t do everything right now to correct these circumstances.

Similarly, consider what is happening with respect to the various forms of Telecommunications Relay Service: the artificial competition the Commission tried to establish in certain sub-programs is struggling. Most small providers are facing a tough market in which scale matters. And their potential exit, where it

hasn't happened already, would leave one provider offering monopoly service to the disabled community. In such cases, the Commission has tended to turn to rate-of-return and dominant firm regulations, which leads to further problems. I've pushed for new options, such as reverse auctions, to determine support and funding levels, and I hope there is openness to these efforts among DAC members.

At the same time, if you weren't already aware, the costs to American consumers for the collection of disability-related programs is growing at a fairly aggressive and unsustainable rate. It's approximately at \$1.5 billion this year after being just above \$1 billion three years ago. We simply can't carry out our overall mission for disabled individuals if the program faces runaway spending. That will unnecessarily zap time and energy. Accordingly, the DAC can play an important role, and I believe has an obligation, to help the Commission contain costs.

So, let me share my thoughts on what the Commission and the disabled community need to help us adapt thoughtfully and quickly. Specifically, I strongly believe that we need to move away from specialized services with proprietary equipment and towards increased use and adoption of modern communications technology to serve the most vulnerable populations. This means more use of email, text, video chat, real time text, and the like. Substitutable services need to be employed to a greater extent to drive down overall costs. Many of these services, which clearly will not work for every disabled consumer, are free today and provide a great means to communicate, conduct business, entertain, and offer the various myriad of features and functions that non-disabled individuals take for granted each day.

There is a fair amount of resistance to this effort, which I have discussed many times before. One of the most frequent retorts by naysayers is that the law requires "functionally equivalent" service. But, we must acknowledge that American consumers are moving away from voice communications. Continuing to try to make disabled communications equivalent to a declining technology makes no sense and is extremely costly. Indeed, we need to embrace other options because they aren't second rate services — they are actually the more popular and increasingly dominant technologies to exchange and engage among citizens. Ask any teenager how they communicate with friends, and their typical answer will reveal that apps and certain tech dominate the scene. These can save us valuable resources, preventing the fund from facing more draconian cuts in the future.

I implore you to consider how best to move away from proprietary technologies and providers. If the DAC submits recommendations along these lines, then we have a real chance to preserve our efforts to help a valuable population of Americans.

I thank you for your time and the chance to share a few words with you this fine morning. All my best for a successful rest of your day.