

**STATEMENT OF
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Good morning, Chairman Wicker, Ranking Member Cantwell, and Members of the Committee. Thank you for the opportunity to appear before you today.

I believe the future belongs to the connected. No matter who you are or where you live in this country you need access to modern communications to have a fair shot at 21st century success. Clearing the way for this connected future should be at the heart of everything we do at the Federal Communications Commission. I believe we can do this when we focus on the most basic values in our laws: universal service, consumer protection, competition, and public safety.

It saddens me that during the past two years, we have not led with these values. Instead, too often this agency has acted at the behest of the corporate forces that surround it, shortchanging the American people.

You see this clearly in our inability to bring broadband to underserved communities and our bungled efforts to produce an accurate map showing where high-speed service is and is not all across the country. You see it in our slow and tepid response to the robocall epidemic. You see it, too, in the mess we made with our roll back of net neutrality and in our failure to offer anything but total silence in response to revelations that our privacy has been violated with the sale of sensitive wireless location data on our phones.

I am disappointed that the FCC has failed to show the courage I believe is necessary to take on these big challenges. Because on top of these, so many others lie ahead: our leadership in 5G wireless, the extraordinary cybersecurity challenges facing our networks, and the need for a bolder national broadband goal of 100 megabits per second with gigabit speeds in sight—everywhere and for everyone.

Our challenges with 5G leadership are particularly acute. There is widespread agreement that to get 5G out of dense cities and into rural America, we need mid-band spectrum to do it. However, the FCC has made zero mid-band spectrum available at auction for the 5G economy. Instead, we are doubling down with auction after auction of high-band spectrum that is too costly to deploy in rural areas. By doing so we are expanding the digital divide—when we should be collapsing it. Moreover, we are creating a gap between the airwaves used for 5G in the United States and the rest of the world, as China, Japan, South Korea, Australia, Spain, Italy, Austria, Switzerland,

Germany, and others put a premium on early 5G deployment with mid-band spectrum. Our choice to focus just on high-band airwaves with limited propagation has consequences—less scale, greater interoperability challenges, and limited prospects for service in remote communities.

The truth is we have problems to solve, resources that are constrained, and communities that are having difficulty navigating the digital age. I still believe that the right communications policies can help. They can help students caught in the homework gap, stuck without the internet service they need to do their nightly schoolwork. They can help expand the use of telemedicine to tackle our hardest healthcare challenges, like the increasing rate of maternal mortality in this country. They can help make us safer, with improved 911 service in all of our communities. They can help make our democracy stronger, if we can commit to media policies that can ensure news organizations can report without fear or favor.

I believe it is not too late to change course. It is not too late to refocus our attention on our most basic values—universal service, consumer protection, competition, and public safety. To that end, I have some ideas about where we can start to regain what has been lost.

Universal Service

Universal service is a cherished value in communications law. As I noted at the outset, no matter who you are or where you live in this country, you need access to modern communications to have a fair shot at 21st century success.

But the fact of the matter is that too many Americans lack access to broadband. According to the FCC's last-published report, over 21 million Americans do not have access to high-speed internet service, the bulk of them in rural areas. That's troubling. But even more troubling is that there is no way this statistic is truly credible. Our methodology—assuming a single broadband customer in a census block means service is available throughout—is inadequate. How inadequate? Consider that another study found that 162 million people across the United States do not use internet service at broadband speeds. That turns our digital divide into a yawning chasm.

We have to figure out what is going on. It is becoming clear that the FCC does not have the full picture of just where service is and is not all across the country. This is unacceptable. It is time to fix this mess with accurate and honest broadband and wireless maps. This is essential because we will never be able to manage problems that we do not measure.

I am not the only one who feels this way. In a congressional hearing earlier this year, a cabinet official pronounced the FCC's maps "fake news." We need to do better. Our wired maps have serious inaccuracies. Our wireless maps are so suspect they are now the subject of an ongoing investigation. To fix our maps, we need to be creative. We should use crowdsourcing, spot checking, auditing, and processes to challenge these

maps based on our lived experience. But above all, we should stop taking data from carriers and simply assuming every bit of it is true.

Getting this right matters. If we don't have proper maps, we will not be able to target policy solutions effectively. The FCC distributes billions of dollars each year to help accelerate the build out of broadband, so we can connect all of our communities. It's wasteful and irresponsible for the agency to do so without having a truly accurate picture of where these resources should go.

Consumer Protection

Consumer protection is always in the public interest. It requires the FCC to be nimble, especially as the communications industry changes at a breakneck pace. But our efforts to stem the growing tide of robocalls have been anything but.

At the start of this Administration, American consumers received roughly 2 billion robocalls a month. That number is now about 5 billion a month. That is about two thousand robocalls every second every day. That's insane.

To tackle this mess, the FCC has tried to take on bad actors flooding our lines with these nuisance calls. But as the *Wall Street Journal* reports, out of the hundreds of millions of fines the FCC has assessed on these bad actors, the agency has collected no more than a grand total of \$6,790. It's clear the FCC's enforcement is not working. This is like trying to empty the ocean with a teaspoon.

Earlier this month, the FCC decided to take a different approach. The good news is that it authorized phone companies to deploy technology to block robocalls across the network, unless a consumer opts out. The bad news is that nothing in this decision prevents carriers from charging consumers for this blocking technology to stop robocalls. I think robocall solutions should be free to consumers. In fact, I wrote major phone companies in December of last year to demand that they provide free robocall blocking tools to consumers. Consumers didn't cause this mess on their phone lines. They shouldn't have to pay up to fix it. That's because consumers are already paying the price—in scams flooding our phone lines; wasted time responding to false and fraudulent calls offering us what we did not ask for, do not want, and do not need; and a growing distrust in communications networks. It's disappointing that the FCC couldn't simply do what consumers want most—stop robocalls and do it for free.

Competition

Competition is fundamental. It yields lower prices and higher quality services. But right now, too few households have any choice when it comes to high-speed broadband service. I know this personally, because I'm one of them. But I also know this professionally, because the FCC's data show that half the households in this country have no choice of broadband provider.

This is one of the reasons why the FCC adopted net neutrality rules a few years back. With these rules in place, your broadband provider does not have the right to block websites, throttle online services, or censor online content. That sounds good to me—and to American consumers everywhere. In fact, a study from the University of Maryland found that 86 percent of the public support net neutrality. But, the FCC—over my objection—stripped net neutrality from our rules. Now, because of the lack of competition, consumers have nowhere to turn if their broadband provider slows down their service or censors websites. This is not right.

Moreover, in its haste to roll back net neutrality, the agency used a process that should make no one proud. The record was rife with fraud. More than nine million people—including United States Senators—had their identities stolen and used to file views about net neutrality that were not their own. This is a crime under state and federal laws. However, the FCC refused to assist state authorities looking to understand how this happened and turned away requests from journalists seeking information about this mess. The agency was forced to pay one journalist tens of thousands of dollars to settle a court case and is actively fighting others in court. All of which begs the question, what is the FCC hiding?

Earlier this year, I was the only FCC Commissioner to sit through the oral argument at the court reviewing the FCC decision to eradicate net neutrality. What was obvious to me is that some part of our decision—if not all of it—will be remanded to us. When that happens, I hope that this agency will have the courage to run a fair and open process. I hope that it will reflect the strong desire of the American public to have open internet policies once again be the law of the land.

Public Safety

Finally, public safety is paramount. In the very first sentence of the Communications Act, Congress instructed the FCC to make available, “to all the people of the United States . . . a rapid, efficient, Nation-wide, and world-wide radio and communication service” in order to promote the “safety of life and property.”

At about this time last year, press reports revealed that wireless carriers were selling our private data about when and where we are using our phones to third-party location aggregators. Then, earlier this year, it was revealed that this data was still for sale—and ending up in the hands of bounty hunters. It turns out that for a few hundred dollars, shady middlemen could use this data to show where you were at any moment within a few hundred meters.

This is outrageous. I don’t recall consenting to have my wireless location data sold this way—and yet it has been happening. I don’t see how this is permissible under the law—and yet it has been happening.

This is an issue of personal and national security. It is an issue of privacy. Think about what the sale of this data means for criminal activity and domestic abuse. It’s

chilling. This is a matter that is crying out for clarity from the FCC. But to date, the agency has been totally silent.

That's unacceptable. I believe the FCC needs to do more to provide the public with basic information about what is happening with their real-time location information. So I wrote every major wireless carrier and asked them to confirm that they have stopped this kind of sale of our wireless data. Moreover, I asked them to explain just what has happened to any data that has already been made available to location aggregators or anyone else. I made their responses public. To date, this is the only information publicly available about this practice. It's not enough. It's time—past time—for the FCC to hold those who violated the law responsible and make clear to the American public that their wireless location data is safe.

In closing, thank you for holding this hearing. Thank you for providing me with the opportunity to offer my views. I look forward to answering any questions you may have and I look forward to working with you and your staff in the days ahead.