

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

Re: Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act, GN Docket No. 11-121, Eighth Broadband Progress Notice of Inquiry

Section 706 of the Telecommunications Act of 1996 requires the Commission to issue a report determining whether “advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.”¹ In all of the reports starting with the first in 1999, the Commission has answered “yes” to that question. In its 2010 706 report, however, the Commission dramatically reversed course and concluded that broadband is not being deployed in a reasonable and timely fashion to all Americans. The Commission issued the same conclusion in its 2011 report. I dissented from both reports because their conclusions were inaccurate and unsettling. For instance, in just six years, broadband deployment skyrocketed from reaching only 15 percent of Americans in 2003, to 95 percent by the end of 2009. Furthermore, I have repeatedly warned that such conclusions could be used to support a regulatory agenda with unintended and harmful effects. Unfortunately, my fears were realized because within five months of the 2010 706 report: the Commission’s 3-2 vote to regulate Internet network management extensively relied on the findings in the 2010 706 report.

Today, the Commission is initiating the 706 review process for 2012 by issuing this Notice of Inquiry. As always, I welcome the opportunity to assess America’s progress in broadband deployment, which has proven to be the fastest penetrating disruptive technology in American history. Nevertheless, my support of this Notice should not be construed as an endorsement of any particular reference or conclusion in the previous two 706 reports or of similar language in this Notice.

I look forward to working with my colleagues on this new review. And, in particular, I look forward to reading comments as to whether this next review should consider the effects of mobile broadband deployment.

¹ 47 U.S.C. § 1302(b) (Section 706 of the Telecommunications Act of 1996 has since been codified in Title 47, Chapter 12 of the United States Code but is commonly referred to as “Section 706”).