

**STATEMENT OF
COMMISSIONER AJIT PAI
APPROVING IN PART AND CONCURRING IN PART**

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. 14-126.

Today, we launch yet another inquiry into the “availability of advanced telecommunications capability to all Americans,” starting the 180-day clock on our next broadband deployment report.¹ I am encouraged by the willingness of my colleagues to accept some important suggestions for improving this item. For example, we now ask how, not whether, to incorporate mobile services and satellite operations into our analysis.² We also include in our deployment calculus how much private enterprise, and not just the government, has invested in broadband networks.³ Accordingly, I am voting to approve in part.

I concur to the extent this notice perpetuates the recent trend of reading section 706 of the Telecommunications Act of 1996 as a roving mandate to do something—*anything*—about broadband. In recent years, the Commission has treated statutory terms like “availability” and “deployment” as open-ended invitations to intervene into the marketplace, rather than the deregulatory guideposts they are (and Congress intended them to be). And the Commission has invoked section 706 to advance whatever issue seemed appealing at the time—digital literacy,⁴ consumers’ views regarding the relevance of broadband to their daily lives,⁵ or, as in today’s order, “the information . . . broadband providers voluntarily share with consumers about their privacy and security practices, including . . . their security risk management programs.”⁶

Aside from flouting the spirit if not the letter of section 706, this scattershot, any-shoe-that-fits approach to regulation distracts us from what consumers want and what the statute demands: immediate action to promote new competition and new infrastructure investments by the private sector in the broadband market.⁷ I hope that we will avoid distractions and focus instead on enabling greater deployment—and I look forward to working with my colleagues to get us there.

¹ 47 U.S.C. § 1302(b) (requiring Commission to initiate an annual inquiry into the “availability of advanced telecommunications capability to all Americans”).

² *See Notice* at paras. 34, 35.

³ *Compare Notice* at para. 43 (“We seek comment on the extent that broadband providers of all types are investing in their networks to deploy broadband.”), *with Notice* at para. 44 (“We also seek comment on the impact of the Commission’s universal service actions and other government projects concerning broadband deployment since the last report.”).

⁴ *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, 26 FCC Rcd 11800, 11814, para. 29 (2011).

⁵ *Id.*

⁶ *See Notice* at para. 47.

⁷ 47 U.S.C. § 1302(b) (Commission inquiry must “determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion,” with a negative determination requiring “immediate [Commission] action to accelerate deployment of such capability by removing barriers to infrastructure investment and by promoting competition in the telecommunications market.”).