

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY
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.

I approve the initiation of this inquiry, which is required by section 706(b) of the Telecommunications Act of 1996. While I appreciate the opportunity to vote on an item that ostensibly complies with the statute, I am troubled that the Commission failed to meet its statutory obligation to complete the 2012 inquiry within 180 days after its initiation. The Commission simply has no authority or excuse for skipping deadlines imposed by Congress. Hopefully, we have put that disturbing practice behind us for purposes of this inquiry requirement going forward.

I am also concerned that, with each inquiry, the Commission invents new analyses, contorting itself in an effort to justify a finding that broadband is not being deployed to all Americans in a reasonable and timely fashion so that it can regulate broadband service. If you believe (and I have made clear that I do not believe that section 706 provides any authority whatsoever) that the Commission has independent regulatory authority under section 706(a), then there is no need for these analytical acrobatics in conducting the report under section 706(b). We should perform an honest and straightforward assessment of “whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion,” which does not mean whether “each person in every household across America can simultaneously stream video while using Skype during peak hours on weeknights.” After all, the term “reasonable” has to carry at least some weight since it is actually in the statute. In the end, many of the questions posed appear designed to achieve an already predetermined outcome that is both unnecessary and dubious.

I am also troubled by the expansion of this inquiry into areas that are outside the expertise of the agency and may conflict with responsibilities of other federal agencies, as provided by Congress. In particular, the Commission’s newfound interest in privacy and security by broadband providers are issues already subject oversight and enforcement by other federal agencies, including the Federal Trade Commission. I am concerned that this line of inquiry ultimately could result in the FCC creating duplicative and potentially conflicting burdens on broadband providers, leading to cost increases for consumers. Hopefully, we will get a robust record of submissions in this proceeding highlighting the full range of requirements that broadband providers are already subject to and how those existing structures operate.

Therefore, I must concur on the inquiry itself.