

**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. 16-245.

Today, we start the clock on our annual inquiry “concerning the availability of advanced telecommunications capability to all Americans.”<sup>1</sup> I approve this *Notice* to the extent that it meets the requirements of section 706 of the Telecommunications Act.

But, as in previous years, this proceeding promises to play out like a 1970s television show: a predictable script that meets a preordained goal. There will, of course, be some drama. Will the Commission adopt a definitive benchmark for mobile broadband? Will the Commission add latency, jitter, or packet loss to the definition of broadband? Will the Commission acknowledge that the Universal Service Fund is spending billions of dollars to build out services that don’t qualify as broadband? But everyone knows the denouement: Early next year, the FCC will find that broadband is not being deployed “in a reasonable and timely fashion.”<sup>2</sup>

This sham is a shame. We should treat this proceeding as an annual status report on our efforts to promote digital infrastructure. The statute requires us—the government—to “encourage [broadband] deployment on a reasonable and timely basis . . . to all Americans” using a variety of regulatory tools.<sup>3</sup> And so we should be asking, what has the FCC done to encourage broadband deployment? What barriers to infrastructure investment have we removed? How have we reformed price cap regulation? How have we exercised regulatory forbearance? What measures have we taken to promote competition in the local telecommunications market? What have state commissions done that we can learn from? And focusing on the future, what should the FCC be doing? What barriers to investment can be eliminated? What regulatory obstacles stand in the way of investment, innovation, and entrepreneurship and how can we get rid of them?

We don’t need more lip service to the “stark discrepancy” between broadband in rural and urban America—we’ve said that all before.<sup>4</sup> Instead, we need concerted action to make good on the promise of universal service once and for all. And given how long rural Americans have waited already, we need it soon.

For all these reasons, I approve in part and concur in part.

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<sup>1</sup> Telecommunications Act § 706(b).

<sup>2</sup> *Id.*

<sup>3</sup> Telecommunications Act § 706(a).

<sup>4</sup> *Notice* at para. 16; see also *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. 15–191, Eleventh Annual Broadband Progress Notice of Inquiry, 31 FCC Rcd 8823, 8824, para. 2 (2015) (discussing the 2015 Report’s finding of a “digital divide” between rural and urban deployment).