

**CONCURRING STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84.

Let me say up front: despite the fact that this item tees up some ideas I am uncomfortable with, I will respectfully concur. I want to thank the Chairman for working with me to address some of my substantial concerns, in particular, revisiting the test for streamlined voice discontinuance, and adding in less aggressive language regarding our interactions with localities.

Indeed, there is much on which we can agree. The time is ripe for opening up pole attachment reform, for taking a look at how we can work with local governments to remove barriers to deployment, and for generally evaluating how we can further streamline processes for rolling out new services. What concerns me, however, is the strong talk surrounding preemption, that takes place even before we lay out a clear path to work with communities through other processes such as the Broadband Deployment Advisory Committee's development of model codes. The importance of community engagement was reiterated during my visit earlier this week to the Digital Southwest summit in Mesa, Arizona, and it is with this backdrop that I look forward to reviewing the full record on all of these issues.

However, when it comes to the Commission's efforts to start a proceeding to roll back the carefully considered efforts of the past Administration to carve a path forward for technology transitions, I remain extremely concerned. This Commission seems to view paying customers who subscribe to legacy services as a barrier to infrastructure deployment, and that is problematic for me.

A RAND study from last year found that approximately 20 percent of Americans view landline telephone service as the most important communications service, beating out mobile voice, mobile broadband, and fixed broadband. And this group may, according to RAND, "include the more vulnerable members of society." Indeed, a majority of fixed voice customers, still choose legacy telephone service despite other options that may be available in the marketplace. And while they certainly may be out there, I have yet to come across a consumer who is clamoring for their landline service, to be converted to interconnected voice-over-IP service.

This item, at least as it was originally drafted, primarily ensured that large carriers, not consumers, got what they want. These carriers' balance sheets are heavily inked with operating expenditures associated with legacy services. It is no secret, that it would indeed be more efficient for carriers to migrate all of their customers off of legacy services as quickly as possible. But as regulators, we are charged with protecting the public interest, and the public interest standard goes beyond operating efficiencies.

Rather than properly wrestling with these difficult issues however, the Commission implies that efficient technology transitions override consumer desires and consumer protections. At the end of the day, these transitions are either about replacing electronics on either end of a wire, or replacing that wire with fiber or other technologies. But those infrastructure changes promise to fundamentally alter the very nature of the service offered to consumers. This is exactly why we must ensure that consumers' concerns and needs are given credence during this process of retiring copper or discontinuing legacy services. On the road from legacy to modern services, this item seeks comment on removing stop signs and traffic lights along the way. I only hope, that we do not crash and burn.

I thank the staff of the Wireline Competition Bureau for their hard work and professionalism. These are incredibly difficult issues, and I understand you pulled this item together very quickly, and you did so very well.