

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Improving Competitive Broadband Access to Multiple Tenant Environments*, GN Docket No. 17-142

If the lack of fixed broadband is problem number one, the clear number two, is figuring out how to unleash greater opportunities for competition and choice. Today, a mere 24 percent of census blocks in the United States have competition, and in rural America, where the economics of building broadband make it a more difficult business case, choice is rare to non-existent. Only six percent of rural census blocks have fixed broadband competition but, what may surprise some, is that broadband competition is a problem in densely populated areas as well.

Millions of Americans have no competitive options, not due to a broadband provider's unwillingness to challenge an incumbent, but because someone else is foreclosing such opportunities. Businesses and households in Multiple Tenant Environments, or MTEs, are sometimes precluded from choosing a broadband provider, because of arrangements between the incumbent and the property owner.

This is why, I am pleased that we are adopting this Notice of Inquiry (NOI), which seeks comment on how we can enhance broadband deployment, and promote competition for businesses and residents in such communities. More specifically, we ask how state and local policies have impacted broadband deployment in MTEs, and hope to identify what contractual or non-contractual practices, impact broadband providers in these locations. Additionally, this NOI seeks comment, on what statutory provisions serve as the basis for providing broadband deployment and competition, within MTEs.

But this is not our first rodeo when it comes to addressing this issue. In fact, the Commission banned exclusive agreements that it concluded locked up this market. But there are reports, that these rules we enacted, are being circumvented. For example, even though a broadband provider may be prohibited from entering into an exclusive agreement, that may not stop an MTE from choosing to simply reject competing services, despite strong interest from their residents. Additionally, some provide network operators' marketing materials in their new resident welcome packets, which encourages those residents to purchase services from those specific companies. Some companies even offer property owners a revenue sharing deal, which may actually incent anticompetitive practices. We ask if these practices are predatory, and if it is determined that they are, they should end.

This NOI represents an important first step, to ensure that barriers to competition are torn down. Many MTE occupants are unaware of the deals between their building owners and these companies, but it is important for consumers and potential competitors, to have the power to compete and choose the provider, that would serve them best. Competition most often than not, brings lower prices and greater innovation, so it is imperative that we do all we can, to promote these ideals.

My thanks go to the Wireline Competition Bureau, for your efforts, to facilitate greater choice and enhance broadband deployment. And special congratulations to Kris Monteith on her first meeting as permanent Bureau Chief.