

**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY**

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

The Notice of Inquiry before us opens another line of questions about how to promote broadband deployment, innovation, and competition. I applaud the Chairman for his work on the matter. While I support having these discussions and I am willing to initiate this proceeding, I do want to be clear that I do wonder about some of the ideas contained in this particular Notice.

First, I do not believe that the Commission has authority to regulate marketing practices, such as web advertisements and the placement of brochures in the building or in welcome packs for new residents. Second, some of the concerns raised in the item, including about unfair or deceptive acts and practices may be better addressed by the FTC. Finally, if the Commission ultimately adopts its recent proposal to classify broadband as an information service, much of this discussion would seem to be moot. My previous views on section 706 as legal authority are well known and the idea of applying Title II to an information service solely because the facilities might also carry a legacy voice service would be a deeply questionable step that could discourage the deployment of broadband, contrary to the goals of the item.

I look forward to carefully reviewing the record in this proceeding with an eye towards ensuring that any resulting proposals are grounded in the statute and sound public policy.