

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

Re: *Connect America Fund*, WC Docket No. 10-90; *ETC Annual Reports and Certifications*, WC Docket No. 14-58; *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135; *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92

Reforming the rate-of-return program has the potential to offer significant opportunity for those in rural America who have been left without broadband access for far too long. This is why I have continued to work on a bipartisan basis, most recently with Commissioner O’Rielly, to advance our shared priorities.

It is common in a Notice of Proposed Rulemaking, to include a wide variety of questions aimed at creating the most robust record possible. Consistent with prior practice, I offered a number of suggestions for consideration in this item, unfortunately each and every one of those requests was denied.

Specifically, I asked that we include questions which were intended to further spur broadband deployment on Tribal lands:

Requests denied.

Then, I submitted that since we are spending more money on our high-cost fund, why not include language which makes it clear that we would not raid the budgets of other programs in order to pay for these reforms?

Requests denied.

I even suggested that we ask about efficient distribution of high-cost funding, including questions on when it was appropriate to auction or remove support for overlapping areas, and running robust challenge processes.

Suggestion denied.

I also sought feedback on whether it was appropriate to condition funding on a commitment to uphold net neutrality protections, particularly in areas where there is no competition.

The Chairman’s office response: No can do.

I sought edits that would have allowed us to have more tools in the toolkit to combat bad actors by removing them from the rate pool.

A kit to combat bad actors: Not granted.

So finally, I sought feedback on whether consumers in the high-cost program should have a higher data limit than 170 GB per month? Why not even include a question in the item about this?

We will never know: Request denied

I am puzzled. Does the majority want to close the digital divide? Does the majority want to distribute our limited funds efficiently? Does the majority want to stamp out waste, fraud and abuse in all Universal Service programs (or just one)?

We had an incredible opportunity to not only “walk the walk, but talk the talk.” Unfortunately, this item stumbles on many levels.

And to suggest that my requests were last-minute, as the Chairman does in his statement, disingenuously characterizes the fact that I had communicated my requests to his office weeks before the voting deadline. Rather than exercise his power to extend the voting deadline, he made it clear that he simply did not want to deal, and for that I am disappointed.

I dissent.