

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket 19-285, 2020 Broadband Deployment Report.

The finding in this year's report—that advanced telecommunications capability *is being deployed* to all Americans in a reasonable and timely fashion—is undoubtedly accurate. Nonetheless, it bears repeating (for the third year in a row) that this finding does not suggest that we have succeeded in our mission to bring broadband access to all Americans, and I personally will not rest until that work is done. Nor does it suggest that the dataset we rely on is perfect or even satisfactory. Form 477 data is obviously extremely flawed and problematically applied as a basis for distributing USF funding, as recognized by Congress in the Broadband DATA Act, and this point is especially clear in light of the huge discrepancies between this item's charts and the entire premise underlying the Rural 5G Fund Notice concurrently under the Commission's consideration. However, we should be crystal clear that Form 477 data is being used here for the limited purpose of tracking progress from year-to-year, per our statutory obligation. Otherwise, we risk unfairly conflating two very separate issues.

While I am pleased that we continue to rely on a realistic and text-based reading of section 706, I wish we would have extended that pragmatism to our evaluation framework. It's obvious that mobile and fixed broadband are increasingly converging into a single market, and I am dismayed that for yet another year, we have opted to rehash our tired, siloed approach rather than pursue a technology neutral analysis. Especially given recent calls for the FCC to support wireless hotspots to improve access for distance-learning during the COVID-19 pandemic, including to provide two-way video-based applications, it does seem that there's broad recognition of the services' substitutability, even among the most die-hard proponents of universal fiber-to-the-home. And, that's not to mention the characteristics of 5G service, which obliterate any basis for maintaining our outdated approach.

Nonetheless, I do appreciate that the item makes a sincere effort to discuss the substitutability issue more comprehensively than previous iterations of this report, and more evenhandedly compares mobile to fixed, rather than exclusively focusing on the shortcomings of the former compared to the latter. While I think we are still unnecessarily preoccupied with whether the two technologies are interchangeable for every potential use and function, this language at least moves the needle in the right direction.

Finally, I would have preferred to include data from the satellite industry in our main report, rather than relegate it to the appendices. While I appreciate that satellite providers face capacity constraints, limited capacity is by no means unique to satellite technology. Here, again, I would have preferred to take a technology neutral approach rather than engage in a somewhat arbitrary line-drawing process.

Despite the concerns I have identified, I support our overall effort and vote to approve.