

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS**

Re: *Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination*, GN Docket No. 22-69, Notice of Proposed Rulemaking (December 21, 2022).

Much of what we do here at the FCC will last years, decades even. But some of what we do will impact generations of Americans. This is such a proceeding. Eradicating digital discrimination is not just a promise for today—it’s also a guarantee for a more just and equitable future tomorrow. That’s why I’m thrilled to see us work together in support of this important goal.

With this Notice of Proposed Rulemaking, we move one step closer to completing not only our statutory obligation—but our moral obligation—to facilitate equal access to broadband and prevent digital discrimination. Let’s talk about where we’ve come and where we’re headed. The record developed under our 2022 *Notice of Inquiry*¹ helped define the scope of work before the Commission. The next step is to seek comment on the key questions that will shape our solution. How do we define “digital discrimination of access”? What services and entities should be covered under our rules? What practices and policies should be prohibited?

In posing these and other questions, Commission staff have done an excellent job inviting us to consider all possible proposals—while also putting the public on notice that we continue to move forward. Because progress is important. Past claims that there was no business case to deploy services in certain communities are just that—stuck in the past—thanks to the Affordable Connectivity Program and the proven evidence that consumers will sign up for broadband if you make a quality service available and put in the effort to reach them. I look forward to the digital future we all deserve: the one where no community struggles to find basic connectivity while others pass them by with constant service upgrades.

I thank Chairwoman Rosenworcel and my colleagues for agreeing to a few of my suggested edits to the item. First, beginning well before Congress directed this inquiry, the Commission has long worked to ensure that regulated entities deliver their services in a nondiscriminatory manner. This context is important. I appreciate that the item makes the effort to harmonize our work in this proceeding with our broader framework for ensuring universal service and reasonable access to communications technology.

Second, the item now seeks additional input on enforcement. Our rules need to achieve multiple goals: we must be able to identify digital discrimination, eliminate it where it happens, and prevent it from occurring going forward. As a former enforcement official at the Department of Justice and the FCC’s Enforcement Bureau, one of the biggest questions in my mind is what remedies should be at our disposal. I want to make sure that we develop a robust record on this important point.

Finally, the item now seeks additional comment on potential reporting requirements or information that providers should be required to submit, and how we can use that information to prevent digital discrimination and ensure compliance. We need to consider how data will help inform our statutory duty here.

Input from all stakeholders is absolutely critical. I urge interested parties to continue to engage with us and FCC staff to help us make the right policy decisions to protect consumers. I thank the fantastic FCC staff that worked on this item. I approve.

¹ *Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination*, GS Docket No. 22-29, *Notice of Inquiry*, FCC 22-21 (rel. Mar. 17, 2022).